



Queensland

# **Mining and Other Legislation Amendment Bill 2007**





Queensland

# Mining and Other Legislation Amendment Bill 2007

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**2007**

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**A Bill**

for

**An Act to amend Acts administered by the Minister for Mines  
and Energy, and for related purposes**

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Mining and Other Legislation Amendment Act 2007*. 4  
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**Clause 2 Commencement** 6

This Act commences on a day to be fixed by proclamation. 7

**Part 2 Amendment of Coal and Oil Shale Mine Worker's Superannuation Act 1989** 8  
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**Clause 3 Act amended in pt 2** 11

This part amends the *Coal and Oil Shale Mine Worker's Superannuation Act 1989*. 12  
13

**Clause 4 Amendment of s 4 (Contributions to superannuation fund)** 14  
15

Section 4(3), from '14'— 16

*omit, insert—* 17

'21 days after the end of the month in which the mine 18

worker's pay period ended.' 19



<b>Part 3</b>	<b>Amendment of Coal Mining Safety and Health Act 1999</b>	1 2
<b>Clause 5</b>	<b>Act amended in pt 3</b>	3
	This part and the schedule amend the <i>Coal Mining Safety and Health Act 1999</i> .	4 5
<b>Clause 6</b>	<b>Amendment of s 34 (Discharge of obligations)</b>	6
	Section 34, penalty, paragraphs (a) to (d)—	7
	<i>omit, insert—</i>	8
	‘(a) if the contravention caused multiple deaths—2000 penalty units or 3 years imprisonment; or	9 10
	(b) if the contravention caused death or grievous bodily harm—1000 penalty units or 2 years imprisonment; or	11 12
	(c) if the contravention caused bodily harm—750 penalty units or 1 year’s imprisonment; or	13 14
	(d) if the contravention involved exposure to a substance that is likely to cause death or grievous bodily harm—750 penalty units or 1 year’s imprisonment; or	15 16 17
	(e) otherwise—500 penalty units or 6 months imprisonment.’.	18 19
<b>Clause 7</b>	<b>Amendment of s 78 (Membership of council)</b>	20
	Section 78(2)—	21
	<i>omit, insert—</i>	22
	‘(2) The chairperson of the council is the chief executive or the chief executive’s nominee.’.	23 24
<b>Clause 8</b>	<b>Amendment of s 79 (Organisations to submit names to Minister)</b>	25 26
	Section 79(4), ‘4 or’—	27

*omit, insert—* 1

‘6 or’. 2

**Clause 9 Amendment of s 80 (Appointment of members)** 3

(1) Section 80(3), from ‘council,’— 4

*omit, insert—* 5

‘council.’. 6

(2) Section 80(4), ‘to be a member’— 7

*omit, insert—* 8

‘under subsection (1)’. 9

(3) Section 80(5), ‘to the council’— 10

*omit, insert—* 11

‘under subsection (1)’. 12

**Clause 10 Amendment of s 81 (Duration of appointment)** 13

(1) Section 81(1)— 14

*omit, insert—* 15

‘(1) A member of the council may be appointed, or re-appointed, 16  
by the Minister under section 80(1) for a term of not more 17  
than 3 years.’. 18

(2) Section 81(2)— 19

*omit.* 20

**Clause 11 Insertion of new s 83A** 21

After section 83— 22

*insert—* 23

**‘83A Substitute members** 24

‘(1) The Minister may appoint 2 persons (*substitute members*) 25  
from each panel submitted under section 79(1), in addition to 26  
the persons appointed under section 80(1), to take part in 27

meetings of the council in place of a member (*original member*) appointed from the same panel. 1  
2

- ‘(2) One of the persons appointed from the panel submitted by industrial organisations representing coal mine workers must be a member of the industrial organisation that represents the majority of the coal mine workers in Queensland. 3  
4  
5  
6
- ‘(3) When appointing a substitute member, the Minister must consider the matters mentioned in section 80(5)(a), (b) and (c). 7  
8  
9
- ‘(4) A substitute member may be appointed, or re-appointed, for a term of not more than 3 years. 10  
11
- ‘(5) A person stops being a substitute member if, for any reason or none, the Minister gives the person written notification that the person is no longer a substitute member. 12  
13  
14
- ‘(6) While taking part in a meeting in place of an original member, a substitute member is a member of the council and— 15  
16
- (a) is entitled to the same remuneration and allowances that the original member is entitled to; and 17  
18
- (b) is subject to the conditions, mentioned in section 82(2) and applying to the original member, that are capable of applying to the substitute member.’. 19  
20  
21

**Clause 12 Amendment of pt 9 hdg (Inspectors and inspection officers and directives)** 22  
23

Part 9, heading, ‘inspection’— 24

*omit, insert—* 25

‘**other**’. 26

**Clause 13 Insertion of new s 127A** 27

After section 127— 28

*insert—* 29

**‘127A Appointment conditions and limit on powers** 30

‘(1) A person who is appointed as an inspector or inspection officer holds office on any conditions stated in— 31  
32

- (a) the person's instrument of appointment; or 1
- (b) a signed notice given to the person by the chief executive. 2  
3
- '(2) The instrument of appointment, a notice given to the person 4  
by the chief executive or a regulation may limit the person's 5  
functions or powers under this Act for the office.' 6

**Clause 14 Renumbering of pt 9, divs 2–4** 7

Part 9, divisions 2 to 4— 8

*renumber* as part 9, divisions 4 to 6. 9

**Clause 15 Insertion of new pt 9, div 2 and pt 9, div 3 hdg** 10

After section 129— 11

*insert*— 12

**'Division 2 Authorised officers** 13

**'129A Appointments** 14

- '(1) The chief executive may appoint officers or employees of the 15  
public service as authorised officers. 16
- '(2) However, the chief executive may only appoint a person as an 17  
authorised officer if the person has qualifications or 18  
experience relevant to at least 1 of the following areas— 19
  - (a) occupational hygiene; 20
  - (b) ergonomics; 21
  - (c) investigating a matter under an Act. 22

**'129B Qualifications for appointment as authorised officer** 23

- '(1) The chief executive may only appoint a person as an 24  
authorised officer after deciding the functions the person may 25  
perform under this Act having regard to the person's 26  
competencies and experience. 27
- '(2) If the chief executive decides that the functions the person 28  
may perform as an authorised officer are limited because of 29

the person's competencies and experience, the chief executive, when appointing the person as an authorised officer, must correspondingly limit the extent to which the person may perform functions or exercise powers as provided under section 129C.

- '129C Appointment conditions and limit on functions and powers**
- '(1) A person who is appointed as an authorised officer holds office on any conditions stated in—
- (a) the person's instrument of appointment; or
  - (b) a signed notice given to the person by the chief executive.
- '(2) The instrument of appointment, a notice given to the person by the chief executive or a regulation may limit the person's functions or powers under this Act for the office.
- '(3) An authorised officer is also subject to the directions of the chief inspector in performing the functions or exercising the powers.
- '(4) This section applies despite any other provision of this Act.
- '129D Functions of authorised officers**
- 'Subject to sections 129B and 129C, authorised officers have the following functions—
- (a) to monitor safety and health performance at coal mines;
  - (b) to inspect and audit coal mines to assess whether risk is at an acceptable level;
  - (c) to help persons to achieve the purposes of this Act by providing advice and information on how the purposes are to be achieved;
  - (d) to check that safety and health management systems and procedures are in place to control risk to persons affected by coal mining operations;

- (e) to investigate serious accidents and high potential incidents and other matters at coal mines that affect the effective management of risk to persons; 1  
2  
3
- (f) to investigate complaints about matters relating to safety or health resulting from coal mining operations. 4  
5

- ‘129E Information about functions and powers’** 6
- ‘(1) This section applies if before exercising a power or further exercising a power in relation to a person, an authorised officer is asked by the person for information about the authorised officer’s functions or powers under the Act. 7  
8  
9  
10
- ‘(2) The authorised officer may exercise, or continue to exercise, the power in relation to the person only if the authorised officer first produces for the person’s inspection a list of the authorised officer’s functions and powers under the Act. 11  
12  
13  
14

**‘Division 3 Identity cards for inspectors, inspection officers and authorised officers’.** 15  
16  
17

- Clause 16 Amendment of s 130 (Identity cards)** 18
- (1) Section 130(1), ‘and inspection’— 19  
*omit, insert—* 20  
‘, inspection officer and authorised’. 21
- (2) Section 130(2), ‘or inspection’— 22  
*omit, insert—* 23  
‘, inspection officer or authorised’. 24

- Clause 17 Amendment of s 132 (Production or display of identity card)** 25  
26
- (1) Section 132(1), first and second mention, and 132(2), ‘or inspection’— 27  
28

	<i>omit, insert—</i>	1
	‘, inspection officer or authorised’.	2
(2)	Section 132(1)(a), ‘inspection’—	3
	<i>omit.</i>	4
<b>Clause 18</b>	<b>Replacement of pt 9, div 4 hdg, as renumbered (Powers of inspectors and inspection officers)</b>	5 6
	Part 9, division 4, as renumbered, heading—	7
	<i>omit, insert—</i>	8
	<b>‘Division 4 Powers of inspectors, inspection officers and authorised officers’.</b>	9 10
<b>Clause 19</b>	<b>Renumbering of pt 9, div 4, as renumbered, sdiv 1–7</b>	11
	Part 9, division 4, as renumbered, subdivisions 1 to 7—	12
	<i>renumber</i> as part 9, division 4, subdivisions 2 to 8.	13
<b>Clause 20</b>	<b>Insertion of new pt 9, div 4, as renumbered, sdiv 1</b>	14
	Part 9, division 4, as renumbered—	15
	<i>insert—</i>	16
	<b>‘Subdivision 1 Preliminary</b>	17
	<b>‘132A Definition for div 4</b>	18
	‘In this division—	19
	<i>officer</i> means an inspector, an inspection officer or an authorised officer.’.	20 21
<b>Clause 21</b>	<b>Amendment of s 134 (Consent to entry)</b>	22
(1)	Section 134, ‘inspector or inspection’—	23
	<i>omit.</i>	24
(2)	Section 134(4)(c), after ‘officer’—	25

*insert—* 1  
‘or other officer’. 2

<b>Clause 22</b>	<b>Amendment of s 139 (General powers after entering coal mine or other places)</b>	3 4
	(1) Section 139, ‘inspector or inspection’—	5
	<i>omit.</i>	6
	(2) Section 139(3)(f), ‘inspector’s or inspection’—	7
	<i>omit.</i>	8
<b>Clause 23</b>	<b>Amendment of s 142 (Site senior executive must help inspector or inspection officer)</b>	9 10
	(1) Section 142, ‘inspector or inspection’—	11
	<i>omit.</i>	12
	(2) Section 142(1), ‘inspector’s or inspection’—	13
	<i>omit.</i>	14
<b>Clause 24</b>	<b>Amendment of s 143 (Seizing evidence at coal mine or other place)</b>	15 16
	(1) Section 143(1), ‘inspector or inspection’—	17
	<i>omit.</i>	18
	(2) Section 143(2)—	19
	<i>omit.</i>	20
<b>Clause 25</b>	<b>Amendment of s 145 (Tampering with things subject to seizure)</b>	21 22
	(1) Section 145, ‘inspector or inspection’—	23
	<i>omit.</i>	24
	(2) Section 145, ‘inspector’s or inspection’—	25
	<i>omit.</i>	26



<b>Clause 26</b>	<b>Amendment of s 150 (Access to things that have been seized)</b>	1 2
	(1) Section 150(1), ‘inspector or inspection’— <i>omit.</i>	3 4
	(2) Section 150(3), ‘inspector’— <i>omit, insert—</i> ‘officer’.	5 6 7
<b>Clause 27</b>	<b>Amendment of s 151 (Inspector may stop and secure plant and equipment)</b>	8 9
	(1) Section 151, heading, ‘Inspector’— <i>omit, insert—</i> ‘ <b>Officer</b> ’.	10 11 12
	(2) Section 151(1) and (2), ‘inspector or inspection’— <i>omit.</i>	13 14
<b>Clause 28</b>	<b>Amendment of s 154 (Power to require production of documents)</b>	15 16
	(1) Section 154(1) to (5), ‘inspector or inspection’— <i>omit.</i>	17 18
	(2) Section 154(6), ‘an inspector’— <i>omit, insert—</i> ‘the officer’.	19 20 21
	(3) Section 154(6), ‘the inspector’— <i>omit, insert—</i> ‘the officer’.	22 23 24
	(4) Section 154— <i>insert—</i>	25 26
	‘(6A) If an officer keeps a document under subsection (6), the officer must give a copy of the document to the person responsible for keeping the document.’.	27 28 29

<b>Clause 29</b>	<b>Amendment of s 173 (Records must be kept)</b>	1
	(1) Section 173—	2
	<i>insert—</i>	3
	‘(1A) An authorised officer must keep an accurate record of all reports given by the authorised officer under this Act.’	4
		5
	(2) Section 173(2) and (3), after ‘inspection officer’—	6
	<i>insert—</i>	7
	‘, authorised officer’.	8
<b>Clause 30</b>	<b>Amendment of s 179 (False and misleading statements)</b>	9
	Section 179(1), ‘or inspection officer’—	10
	<i>omit, insert—</i>	11
	‘, inspection officer, authorised officer or industry safety and health representative’.	12
		13
<b>Clause 31</b>	<b>Amendment of s 180 (False or misleading documents)</b>	14
	Section 180(1) and (2)(a), after ‘inspection officer’—	15
	<i>insert—</i>	16
	‘, authorised officer’.	17
<b>Clause 32</b>	<b>Amendment of s 181 (Obstructing inspectors, inspection officers or industry safety and health representatives)</b>	18
		19
	(1) Section 181, heading, ‘inspection’—	20
	<i>omit.</i>	21
	(2) Section 181(1) and (2), after ‘inspection officer’—	22
	<i>insert—</i>	23
	‘, authorised officer’.	24
<b>Clause 33</b>	<b>Amendment of s 198 (Notice of accidents, incidents or diseases)</b>	25
		26
	(1) Section 198, heading, after ‘incidents’—	27

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<i>insert—</i>	1
‘, deaths’.	2
(2) Section 198(1), ‘or high potential incident’—	3
<i>omit, insert—</i>	4
‘, high potential incident or a death’.	5
(3) Section 198(1), ‘or incident’—	6
<i>omit, insert—</i>	7
‘, incident or death’.	8
(4) Section 198(2)—	9
<i>omit, insert—</i>	10
‘(2) Subsection (3) applies to—	11
(a) a serious accident at a coal mine resulting in a person receiving—	12 13
(i) a bodily injury endangering, or likely to endanger, the person’s life; or	14 15
(ii) an injury causing, or likely to cause, a permanent injury to the person’s health; or	16 17
(b) a high potential incident at a coal mine of a type prescribed under a regulation; or	18 19
(c) a death at a coal mine, whether or not caused by an accident at the coal mine.’.	20 21
(5) Section 198(3), ‘or incident’—	22
<i>omit, insert—</i>	23
‘, incident or death’.	24
(6) Section 198(5), ‘serious accident results in’—	25
<i>omit, insert—</i>	26
‘oral report relates to a’.	27
<b>Clause 34</b> <b>Amendment of s 243 (Who may appeal)</b>	28
Section 243(b), ‘division 3’—	29

*omit, insert—* 1  
‘division 5’. 2

<b>Clause 35</b>	<b>Amendment of s 250 (Proof of appointments and authority unnecessary)</b>	3 4
	Section 250(1)(a) and (b), after ‘an inspection officer,’—	5
	<i>insert—</i>	6
	‘an authorised officer.’	7
<b>Clause 36</b>	<b>Amendment of s 251 (Proof of signatures unnecessary)</b>	8
	Section 251, after ‘an inspection officer,’—	9
	<i>insert—</i>	10
	‘an authorised officer.’	11
<b>Clause 37</b>	<b>Amendment of s 252 (Evidentiary aids)</b>	12
	(1) Section 252(4), ‘or inspection officer’—	13
	<i>omit, insert—</i>	14
	‘, inspection officer, an authorised officer’.	15
	(2) Section 252(5), definition <i>certificate</i> , after ‘an inspection officer,’—	16 17
	<i>insert—</i>	18
	‘an authorised officer.’	19
<b>Clause 38</b>	<b>Amendment of s 268 (Person not to encourage refusal to answer questions)</b>	20 21
	Section 268(1), after ‘inspection officer’—	22
	<i>insert—</i>	23
	‘, authorised officer’.	24

<b>Clause 39</b>	<b>Amendment of s 269 (Impersonating inspector or inspection officers and others)</b>	1 2
	(1) Section 269, heading, ‘inspector or inspection officers and others’—	3 4
	<i>omit, insert—</i>	5
	<b>‘inspectors, officers or representatives’.</b>	6
	(2) Section 269, after ‘inspection officer,’—	7
	<i>insert—</i>	8
	‘authorised officer.’.	9
 <b>Clause 40</b>	 <b>Amendment of s 270 (Protection for officers)</b>	 10
	Section 270(2), definition <i>officer</i> , paragraphs (c) and (d)—	11
	<i>omit, insert—</i>	12
	‘(c) an authorised officer; or	13
	(d) an industry safety and health representative; or	14
	(e) a site safety and health representative.’.	15
 <b>Clause 41</b>	 <b>Amendment of s 276 (Protection from liability)</b>	 16
	Section 276(3), definition <i>official</i> , paragraphs (f) to (i)—	17
	<i>omit, insert—</i>	18
	‘(f) an authorised officer; or	19
	(g) a person acting under the direction of or helping an inspector, inspection officer or authorised officer; or	20 21
	(h) a member or a substitute member of the council; or	22
	(i) an industry safety and health representative; or	23
	(j) a site safety and health representative.’.	24
 <b>Clause 42</b>	 <b>Amendment of sch 2 (Subject matter for regulations)</b>	 25
	(1) Schedule 2, part 1, items 1 to 5—	26
	<i>renumber</i> as schedule 2, part 1, items 1 to 7.	27
	(2) Schedule 2, part 1, item 5 as renumbered, example ‘item 3’—	28

*omit, insert—* 1

*‘item 5’.* 2

(3) Schedule 2, part 2, items 6 to 37— 3

*renumber* as schedule 2, part 2, items 1 to 35. 4

**Clause 43 Amendment of sch 3 (Dictionary)** 5

Schedule 3— 6

*insert—* 7

*‘authorised officer* means a person appointed as an authorised 8

officer under this Act. 9

*officer*, for part 9, division 4, see section 132A. 10

*substitute member* see section 83A(1).’ 11

**Part 4 Amendment of Explosives Act 1999** 12  
13

**Clause 44 Act amended in pt 4** 14

This part amends the *Explosives Act 1999*. 15

**Clause 45 Insertion of new s 4A** 16

After section 4— 17

*insert—* 18

**‘4A Application of Act to coastal waters of the State** 19

‘This Act applies to the coastal waters of the State as if the 20

coastal waters of the State were part of the State.’ 21

**Clause 46 Amendment of s 15 (Inquiries about person’s appropriateness)** 22  
23

(1) Section 15(2), from ‘identity’ to ‘expertise of the’— 24

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- omit.* 1
- (2) Section 15(3)— 2
- omit, insert—* 3
- ‘(2A) If the person is an individual, the chief inspector may, for 4  
subsection (2), make inquires about the person’s identity, 5  
character, mental and physical health, and relevant experience 6  
and expertise. 7
- ‘(3) In deciding whether the person is an appropriate person, the 8  
chief inspector may consider, among other things— 9
- (a) if the person is an individual— 10
- (i) the person’s mental and physical health; and 11
- (ii) whether the person has been convicted, in 12  
Queensland or elsewhere, of a relevant offence; 13  
and 14
- (iii) whether a domestic violence order has been made, 15  
in Queensland or elsewhere, against the person at 16  
any time; or 17
- (b) if the person is a corporation— 18
- (i) whether the corporation is insolvent under 19  
administration; and 20
- (ii) whether the corporation has been convicted, in 21  
Queensland or elsewhere, of an offence involving a 22  
prescribed activity; and 23
- (iii) whether an executive officer of the corporation 24  
would be considered to be an appropriate person 25  
under this section.’. 26
- (3) Section 15— 27
- insert—* 28
- ‘(10) In this section— 29
- insolvent under administration*** means an insolvent under 30  
administration under the Corporations Act. 31
- prescribed activity*** means an activity that is or is associated 32  
with— 33
- (a) the use, handling or transport of explosives; or 34

- (b) the storage, collection or manufacture of explosives; or 1
- (c) the sale, import or export of explosives. 2
- relevant offence* means an offence— 3
- (a) involving a prescribed activity; or 4
- (b) involving violence or threatened violence; or 5
- (c) involving the use, carriage, discharge or possession of a 6  
firearm; or 7
- (d) relating to the misuse of drugs. 8

<b>Clause 47</b>	<b>Amendment of s 32 (General duty of care)</b>	9
(1)	Section 32, penalty—	10
	<i>omit, insert—</i>	11
	‘Maximum penalty—	12
	(a) if the contravention causes multiple deaths and serious 13 harm to property or the environment—3000 penalty 14 units or 3 years imprisonment; or 15	
	(b) if the contravention causes multiple deaths—2000 16 penalty units or 3 years imprisonment; or 17	
	(c) if the contravention causes death or grievous bodily 18 harm—1000 penalty units or 2 years imprisonment; or 19	
	(d) if the contravention involves exposure to a substance 20 likely to cause death or grievous bodily harm—750 21 penalty units or 1 year’s imprisonment; or 22	
	(e) if the contravention causes bodily harm—750 penalty 23 units or 1 year’s imprisonment; or 24	
	(f) if the contravention causes serious harm to property or 25 the environment—750 penalty units or 1 year’s 26 imprisonment; or 27	
	(g) otherwise—500 penalty units or 6 months 28 imprisonment.’ 29	
(2)	Section 32—	30
	<i>insert—</i>	31



	‘(2) In this section—	1
	<i>bodily harm</i> see the Criminal Code, section 1.	2
	<i>grievous bodily harm</i> see the Criminal Code, section 1.’.	3
<b>Clause 48</b>	<b>Replacement of s 43 (Selling explosives in public places prohibited)</b>	4
	Section 43—	5
	<i>omit, insert—</i>	6
	<i>omit, insert—</i>	7
<b>‘43</b>	<b>Selling explosives in public places prohibited</b>	8
	‘A person in possession of an explosive in a public place must not sell the explosive in the public place.	9
	Maximum penalty—100 penalty units.’.	10
		11
<b>Clause 49</b>	<b>Insertion of new s 123A</b>	12
	Part 8, division 2—	13
	<i>insert—</i>	14
<b>‘123A</b>	<b>Treatment of partnerships</b>	15
	‘(1) Subject to this section, this Act applies to a partnership as if the partnership were a person.	16
		17
	‘(2) For an application by, or renewal of a licence of, a partnership—	18
		19
	(a) sections 15 and 16 <sup>1</sup> apply as if each partner were an applicant or authority holder; and	20
		21
	(b) if a partner is not an appropriate person to hold an authority, the partnership is not an appropriate person.	22
		23
	‘(3) If, because of the operation of subsection (1), a contravention of, or an offence against a provision of, this Act is taken to have been committed by a partnership, the contravention or offence is taken to have been committed by each of the partners.	24
		25
		26
		27
		28

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1 Section 15 (Inquiries about person’s appropriateness) and section 16 (Additional information)

	‘(4) However, it is a defence for a partner to prove—	1
	(a) if the partner was in a position to influence the conduct of the partnership in relation to the contravention or offence—the partner took reasonable steps to ensure the partnership complied with the provision; or	2 3 4 5
	(b) the partner was not in a position to influence the conduct of the partnership in relation to the contravention or offence.’.	6 7 8
<b>Clause 50</b>	<b>Amendment of pt 10, hdg (Transitional provisions)</b>	9
	Part 10, heading, after ‘provisions’—	10
	<i>insert—</i>	11
	‘for Act No. 15 of 1999.’	12
<b>Clause 51</b>	<b>Insertion of new pt 11</b>	13
	After section 143—	14
	<i>insert—</i>	15
<b>‘Part 11</b>	<b>Transitional provision for</b>	16
	<b>Mining and Other Legislation</b>	17
	<b>Amendment Act 2007</b>	18
<b>‘144</b>	<b>Existing applications for an authority or renewal of licence</b>	19 20
	‘If, before the commencement of this section, an application was made under this Act for an authority, or renewal of a licence, and the application was not decided before the commencement of this section, the application must be decided by the chief inspector as if the application had been made after the commencement.’.	21 22 23 24 25 26
<b>Clause 52</b>	<b>Amendment of sch 2 (Dictionary)</b>	27
	Schedule 2, definition <i>sell</i> —	28

*insert—* 1  
 ‘(ba) supply in another way, including by gift or exchange;  
 and’. 2  
 3

## **Part 5** **Amendment of Geothermal** 4 **Exploration Act 2004** 5

- Clause 53** **Act amended in pt 5** 6  
 This part amends the *Geothermal Exploration Act 2004*. 7
- Clause 54** **Amendment of s 26 (Deciding whether to grant permit)** 8  
 Section 26(4)— 9  
*omit.* 10
- Clause 55** **Amendment of s 29 (Power to impose tenure conditions)** 11  
 (1) Section 29, heading, ‘tenure’— 12  
*omit.* 13  
 (2) Section 29(1), ‘(tenure conditions)’— 14  
*omit.* 15  
 (3) Section 29(2) and (3), ‘tenure condition’— 16  
*omit, insert—* 17  
 ‘condition’. 18
- Clause 56** **Replacement of ch 4, pt 3, hdg (Security)** 19  
 Chapter 4, part 3, heading— 20  
*omit, insert—* 21

<b>‘Part 2A</b>	<b>Renewal of term of permit</b>	1
<b>‘52A</b>	<b>Conditions for making application to renew the term of a permit</b>	2
		3
‘(1)	A permit holder may apply to renew the term of the permit (a <i>renewal application</i> ) only if—	4
		5
	(a) annual rent on the permit and interest payable on the rent are not outstanding; and	6
		7
	(b) prescribed security is still in force for the permit.	8
‘(2)	Also, the application can not be made—	9
	(a) more than 60 business days before the end of the term of the permit as stated in the permit (the <i>original term</i> ); or	10
		11
	(b) after the permit has ended.	12
<b>‘52B</b>	<b>Requirements for making application</b>	13
‘(1)	The application must—	14
	(a) be in the approved form; and	15
	(b) be lodged at—	16
	(i) the office of the department for lodging extension applications, as stated in a gazette notice by the chief executive; or	17
		18
		19
	(ii) if no office is gazetted under subparagraph (i)—the office stated in the approved form; or	20
		21
	(iii) if no office is gazetted under subparagraph (i) or stated under subparagraph (ii)—the office of the chief executive; and	22
		23
		24
	(c) address the suitability criteria; and	25
	(d) include a proposed later work program that complies with section 22; and	26
		27
	(e) be accompanied by the application fee prescribed under a regulation.	28
		29
‘(2)	For subsection (1)(d), section 22 applies as if—	30

- (a) a reference to a proposed work program were a reference to a later work program; and 1  
2
- (b) a reference to the proposed geothermal exploration permit were a reference to the permit for the term for which it is proposed to be renewed. 3  
4  
5
- ‘52C Continuing effect of permit for extension application 6**
- ‘(1) This section applies if the original term ends before the application is decided. 7  
8
- ‘(2) Despite the ending of the term, the permit continues in force until the earliest of the following to happen— 9  
10
- (a) if the application is granted—the start of the term for which the permit is, under section 52H, decided to be renewed (the *renewed term*); 11  
12  
13
- (b) a refusal of the application takes effect; 14
- (c) the withdrawal of the application; 15
- (d) the cancellation under this Act of the permit. 16
- ‘(3) Subsection (4) applies if the application is withdrawn or the permit is cancelled under this Act before the application is decided. 17  
18  
19
- ‘(4) The Minister must refund the applicant any annual rent overpaid because of the withdrawal or cancellation based on the proportion that the whole months remaining until the end of the year for which the rent was paid bears to the whole of that year. 20  
21  
22  
23  
24
- ‘52D General provisions for deciding application 25**
- ‘(1) The Minister must, in deciding the application, have regard to the suitability criteria as if a reference in the criteria to a tenderer were a reference to the applicant. 26  
27  
28
- ‘(2) The Minister can not grant the application unless the Minister is satisfied— 29  
30
- (a) the activities proposed to be carried out under the permit during the renewed term are appropriate and acceptable; 31  
32  
and 33

	(b) the applicant has substantially complied with the permit; and	1 2
	(c) the applicant continues to be an eligible person to hold a permit.	3 4
	‘(3) This section does not limit the matters the Minister may have regard to in making the decision.	5 6
<b>‘52E</b>	<b>Requirement to obtain relevant authority, licence or approval</b>	7 8
	‘The Minister may, as a condition of granting the application, require the applicant to obtain a relevant licence, approval or authority under another Act.	9 10 11
	<i>Examples—</i>	12
	• an environmental authority for an environmentally relevant activity under the <i>Environmental Protection Act 1994</i> the carrying out of which is authorised under this Act	13 14 15
	• a water entitlement under the <i>Water Act 2000</i> that is needed to carry out an activity authorised under this Act if section 39 does not apply	16 17
<b>‘52F</b>	<b>Power to impose conditions</b>	18
	‘(1) If the Minister decides to grant the application, the Minister may impose conditions on the permit for the renewed term that are not inconsistent with the mandatory conditions.	19 20 21
	‘(2) However, a condition can not be imposed if it—	22
	(a) relates to the management of environmental impacts; or	23
	(b) authorises unlawful environmental harm as defined under the <i>Environmental Protection Act 1994</i> .	24 25
	‘(3) To remove any doubt, it is declared that the tenure conditions of the permit for the renewed term may be different from its current tenure conditions.	26 27 28
	<i>Note—</i>	29
	For when the conditions start, see sections 52H(5) and 52I(b).	30

<b>'52G</b>	<b>Area of permit for renewed term</b>	1
	'(1) If the Minister decides to grant the application, the Minister must decide the area of the permit for its renewed term.	2 3
	'(2) The area of the permit for its renewed term can not be larger than the area (the <i>original area</i> ) of the permit immediately before the term of the permit is renewed.	4 5 6
	'(3) The area of the permit for its renewed term may be smaller than the original area.	7 8
<b>'52H</b>	<b>Renewed term</b>	9
	'(1) The length of the renewed term is decided by the Minister.	10
	'(2) However, the renewed term can not be for more than 3 years.	11
	'(3) If the extension is made before the original term ends, the renewed term is taken to start from the end of the original term.	12 13 14
	'(4) If the extension is made after the original term ends, the renewed term is taken to have started immediately after the end of that term.	15 16 17
	'(5) However if subsection (4) applies—	18
	(a) the tenure conditions of the permit for the renewed term do not start until the permit holder has agreed to them, under section 52I(b); and	19 20 21
	(b) until the permit holder has so agreed, the tenure conditions of the permit for the original term that would otherwise have been in force apply to the renewed term as if they were the tenure conditions of the permit for the renewed term.	22 23 24 25 26
<b>'52I</b>	<b>Restrictions on making extension</b>	27
	'If the Minister decides to grant the application, the extension can not be made unless—	28 29
	(a) the annual rent for the first year of the renewed term has been paid; and	30 31

- 
- |             |   |                      |
|-------------|---|----------------------|
| (b)         | the applicant has agreed in writing to the tenure conditions of the permit for the renewed term and the length of the renewed term; and   | 1<br>2<br>3          |
| (c)         | prescribed security is still in force for the permit; and   | 4                    |
| (d)         | the Minister and the applicant have agreed about the specific objectives for the permit for the renewed term; and   | 5<br>6<br>7          |
| (e)         | if the Minister has made a requirement under section 52E—the requirement has been complied with.  | 8<br>9               |
| <b>'52J</b> | <b>Withdrawal of application if tenure conditions and term not agreed to</b>  | 10<br>11             |
|             | ‘The application is taken to have been withdrawn if—  | 12                   |
| (a)         | the Minister has decided to grant the application, and has given the applicant notice of the tenure conditions of the permit for the renewed term and the length of the renewed term; and               | 13<br>14<br>15<br>16 |
| (b)         | the applicant has not, within 30 business days after the giving of the notice, agreed in writing to the tenure conditions and the length of the renewed term.   | 17<br>18<br>19       |
| <b>'52K</b> | <b>Making extension of permit</b>   | 20                   |
| ‘(1)        | This section applies only if the Minister decides to grant the application and any restrictions under section 52I do not apply or have ceased to apply.   | 21<br>22<br>23       |
| ‘(2)        | The chief executive must—   | 24                   |
| (a)         | make the extension of permit by complying with section 123(3) in relation to the instrument for the permit to reflect the particulars of the renewed term of the permit as decided under this part; and | 25<br>26<br>27<br>28 |
| (b)         | give the applicant a copy of the amended instrument for the permit.   | 29<br>30             |



<b>‘52L</b>	<b>Information notice about refusal</b>	1
	‘If the Minister decides to refuse the application the Minister must, as soon as practicable after the decision is made, give the applicant an information notice about the decision.	2 3 4
<b>‘52M</b>	<b>When refusal takes effect</b>	5
	‘A refusal of the application does not take effect until the end of the appeal period for the decision to refuse.	6 7
	<i>Note—</i>	8
	See sections 110 (Period to appeal) and 112 (Stay of operation of decision).	9 10
<b>‘Part 3</b>	<b>General provisions about security</b>	11 12
<b>‘52N</b>	<b>Continuance of security for renewal of term</b>	13
	‘(1) This section applies if, under part 2A, the term of a geothermal exploration permit is renewed.	14 15
	‘(2) The security for the permit in force immediately before the extension is taken to continue in force as security for the permit for the renewed term despite any change to the permit decided under part 2A for the making of the extension.	16 17 18 19
	‘(3) Without limiting subsection (2), the extension does not—	20
	(a) discharge or release a surety or other obligee, wholly or partly, from an obligation under the security; or	21 22
	(b) fulfil a condition allowing a person to terminate the security or be released, wholly or partly, from an obligation; or	23 24 25
	(c) modify the operation or effect of the security.	26
	‘(4) If the advice or consent of, or giving notice to, a person would be necessary to give effect to the continuance of the security under subsection (2)—	27 28 29

(a)	the advice is taken to have been obtained; and	1
(b)	the consent or notice is taken to have been given.	2
<b>'520</b>	<b>Minister's power to require additional security</b>	<b>3</b>
'(1)	The Minister may, at any time, require a permit holder to increase the amount of security given for a permit.	4 5
'(2)	If, because of an increase in the prescribed amount under section 31(b), the requirement is to increase the total security required to no more than the increased prescribed amount, the requirement must be made by notice to the holder.	6 7 8 9
'(3)	If the requirement is to increase the total security required to more than the prescribed amount under section 31(b) when the requirement is made—	10 11 12
(a)	subsections (4) to (6) must be complied with before making the requirement; and	13 14
(b)	the requirement does not take effect until the holder is given an information notice about the decision to make the requirement.	15 16 17
'(4)	The Minister must give the holder notice—	18
(a)	stating the proposed increased amount of the security for the permit; and	19 20
(b)	inviting the holder to lodge, within a stated reasonable period, submissions about the proposed increased amount at—	21 22 23
(i)	the office of the department for lodging the submissions, as stated in a gazette notice by the chief executive; or	24 25 26
(ii)	if no office is gazetted under subparagraph (i)—the office of the chief executive.	27 28
'(5)	The stated period must end at least 20 business days after the holder is given the notice.	29 30
'(6)	Any submissions lodged by the holder within the stated period must be considered before deciding to make the requirement.	31 32
'(7)	In this section—	33

*security* given, includes security given or increased because of a requirement under subsection (1).’ 1  
2

- Clause 57 Amendment of s 55 (Replenishment of security)** 3  
Section 55(2), from ‘for the permit’ to ‘section 31’— 4  
*omit, insert—* 5  
‘to make it a prescribed security’. 6
- Clause 58 Amendment of s 55A (Replacement of security)** 7  
Section 55A(2), from ‘in the form’ to ‘section 31’— 8  
*omit, insert—* 9  
‘with another prescribed security’. 10
- Clause 59 Amendment of s 106 (Direction to give statement of financial and technical resources)** 11  
Section 106(1), after ‘work program’— 12  
*insert—* 14  
‘or later work program.’ 15
- Clause 60 Amendment of s 124 (Access to register)** 16  
(1) Section 124(1)— 17  
*omit, insert—* 18  
‘(1) The chief executive must— 19  
(a) keep the geothermal register open for inspection by the 20  
public during office hours on business days at the places 21  
the chief executive considers appropriate; and 22  
(b) allow a person, on payment of the fee prescribed under a 23  
regulation, to search and take extracts from the register; 24  
and 25  
(c) give a person who asks for it a copy of all or part of a 26  
document or information held in the register, on 27  
payment of the fee prescribed under a regulation.’ 28

	(2) Section 124—	1
	<i>insert—</i>	2
	‘(3) This section is subject to section 124A.’.	3
<b>Clause 61</b>	<b>Insertion of new ss 124A and 124B</b>	4
	Chapter 7, part 4—	5
	<i>insert—</i>	6
	<b>‘124A Arrangements with other departments for copies from register</b>	7
		8
	‘(1) The chief executive may enter into an arrangement with another department allowing it to carry out a search of, take extracts from or obtain a copy of, particulars recorded in the geothermal register, without payment of the fees prescribed under section 124.	9 10 11 12 13
	‘(2) However, the chief executive may enter into an arrangement under subsection (1) only if the chief executive is reasonably satisfied the information obtained from the search or the copy will not be—	14 15 16 17
	(a) used for a commercial purpose, including, for example, the marketing or sale of the information or other information; or	18 19 20
	(b) included in another database of information, in any form, other than with chief executive’s approval.	21 22
	<b>‘124B Supply of statistical data from register</b>	23
	‘(1) The chief executive may enter into an agreement to supply statistical data derived from instruments or information kept in the geothermal register.	24 25 26
	‘(2) If the chief executive supplies statistical data under subsection (1)—	27 28
	(a) the fees and charges applying for the supply of the data are the fees and charges provided for in the agreement; and	29 30 31
	(b) without limiting paragraph (a), the agreement may also state—	32 33

	(i) how the fees and charges are to be calculated; and	1
	(ii) how payment of the fees and charges is to be made.	2
‘(3)	Without limiting subsection (1), an agreement for the supply of statistical data may limit the use to which the data supplied may be put.	3 4 5
‘(4)	An agreement for the supply of statistical data must include—	6
	(a) a provision allowing the chief executive to exclude particulars from data supplied under the agreement, if the chief executive is satisfied, on reasonable grounds, that inclusion of the particulars may result in the particulars being inappropriately disclosed or used; and	7 8 9 10 11
	(b) a provision allowing the chief executive to prohibit disclosure, or to limit distribution or use, of data supplied under the agreement.	12 13 14
‘(5)	An agreement under this section must not provide for the obtaining of information or anything else that may be obtained under a search of the geothermal register permitted under this Act.	15 16 17 18
‘(6)	The chief executive must exclude permit particulars and personal information from data supplied under the agreement.	19 20
‘(7)	Subsection (6) applies despite anything in the agreement.	21
‘(8)	In this section—	22
	<i>permit particulars</i> means particulars from any instrument or information kept by the chief executive that may allow a person to identify a geothermal exploration permit to which the instrument or information relates.	23 24 25 26
	<i>personal information</i> means a particular from any instrument or information kept by the chief executive that may allow a person to identify a person to whom the instrument or information relates.’	27 28 29 30
<b>Clause 62</b>	<b>Insertion of new s 138A</b>	31
	After section 138—	32
	<i>insert—</i>	33

<b>‘138A Ministerial directions about the giving of information</b>	1
‘(1) The Minister may, in the way the Minister considers appropriate, publish directions about the giving of information, including the giving of additional information, to the Minister or the chief executive for the purposes of this Act.	2 3 4 5 6
‘(2) A direction published under subsection (1) must state a period, that is not less than 20 business days, within which the information must be given.	7 8 9
‘(3) Without limiting subsection (1), a direction may state how the information must be given if this Act does not already so provide.	10 11 12
<i>Examples of how information may be required to be given—</i>	13
• by an approved form or a notice	14
• by progressive reporting under a work program or later work program	15 16
• by a volumetric plan of survey	17
• by a geological survey	18
• by a statement, supporting an application for a geothermal exploration permit, about the financial resources or technical advice available to the applicant or the applicant’s previous compliance with a condition or provision of a geothermal exploration permit	19 20 21 22
‘(4) If—	23
(a) a person is required or permitted to give the Minister or the chief executive (the <i>official</i> ) information for a particular purpose relating to this Act; and	24 25 26
(b) this Act does not state how the information may or must be given to the official for the purpose; and	27 28
(c) the person gives the official the information in the way required or permitted under the directions;	29 30
the person is taken to have given the official the information for the purpose.	31 32
‘(5) Unless a direction states a particular office of the department where the information must be given, the information must be given at the office of the chief executive.	33 34 35
‘(6) The chief executive must—	36

- (a) keep— 1
- (i) a copy of each direction; and 2
- (ii) a record (by whatever name called) of each 3  
direction, including the dates when each direction 4  
was published and superseded; and 5
- (b) make each direction and the record available to the 6  
public in the way the chief executive considers 7  
appropriate. 8
- ‘(7) Without limiting subsection (6), the chief executive must 9  
ensure an up-to-date copy of each direction and the record is 10  
available to be read free of charge at each office of the 11  
department and on the department’s website.’. 12

**Clause 63 Amendment of schedule (Dictionary) 13**

- (1) Schedule, definition *tenure conditions*— 14  
*omit.* 15
- (2) Schedule— 16  
*insert*— 17  
**‘eligible person**, to hold a geothermal exploration permit, 18  
**means**— 19
- (a) an adult who is not an insolvent under administration; or 20
- (b) a company or a registered body under the Corporations 21  
Act, other than a company or a registered body that is an 22  
externally-administered corporation under that Act; or 23
- (c) a government owned corporation; or 24
- (d) the State; or 25
- (e) a local government. 26
- instrument**, for a permit, means the instrument created under 27  
section 32(3)(a) for the permit, as amended under section 28  
123(3) from time to time. 29
- original term**, for chapter 4, part 2A, see section 52A(2)(a). 30
- prescribed security** means security in the amount and form 31  
prescribed under section 31(b), subject to any increase for the 32  
permit from time to time under section 52O. 33

- renewal application* see section 52A(1). 1
- renewed term*, for chapter 4, part 2A, see section 52C(2)(a). 2
- tenure conditions*, for a geothermal exploration permit, 3  
means conditions of the permit imposed under section 29(1) 4  
or 52F(1).’ 5
- (3) Schedule, definition *agreed specific objectives*, after ‘section 6  
31(d)’— 7  
*insert*— 8  
‘or 52I(d)’ 9
- (4) Schedule, definition *geothermal exploration permit*, 10  
paragraph 1, after ‘chapter 3’— 11  
*insert*— 12  
, and as amended from time to time under this Act’. 13
- (5) Schedule, definition *properly made application*, paragraphs 14  
(a) to (i)— 15  
*renumber* as paragraphs (b) to (j). 16
- (6) Schedule, definition *properly made application*— 17  
*insert*— 18  
‘(a) for an extension application—sections 52A and 52B; 19  
or’. 20
- (7) Schedule, definition *security*, after ‘section 31(b), as’— 21  
*insert*— 22  
‘increased from time to time under section 52O or’. 23

**Part 6** **Amendment of Mineral** 24  
**Resources Act 1989** 25

- Clause 64** **Act amended in pt 6** 26  
This part amends the *Mineral Resources Act 1989*. 27



<b>Clause 65</b>	<b>Omission of s 6D (Notes in text)</b>	1
	Section 6D—	2
	<i>omit.</i>	3
<b>Clause 66</b>	<b>Amendment of s 133 (Application for exploration permit)</b>	4
	Section 133(4)—	5
	<i>omit.</i>	6
<b>Clause 67</b>	<b>Amendment of s 183 (Application for mineral development licence)</b>	7
	Section 183(1)(m)(i)—	8
	<i>insert—</i>	9
	‘(C) specifying the estimated human, technical	10
	and financial resources proposed to be	11
	committed to authorised activities for the	12
	mineral development licence during each	13
	year of the licence, if granted; and’.	14
		15
<b>Clause 68</b>	<b>Amendment of s 231C (Application for mineral development licence (183))</b>	16
	(1) Section 231C(1)(b), ‘prescribed under a regulation’—	17
	<i>omit, insert—</i>	18
	‘approved by the Minister’.	19
	(2) Section 231C(1)(c), ‘, in the way prescribed under a	20
	regulation,’—	21
	<i>omit.</i>	22
		23
<b>Clause 69</b>	<b>Amendment of s 245 (Application for grant of mining lease)</b>	24
	Section 245(1)(o)(iii)—	25
	<i>insert—</i>	26
	‘(C) specifying the estimated human, technical	27
	and financial resources proposed to be	28
		29

	committed to authorised activities for the mining lease during each year of the lease, if granted; and’.	1 2 3
<b>Clause 70</b>	<b>Replacement of s 286B (Chief executive must give copy of application to EPA administering authority)</b>	4 5
	Section 286B—	6
	<i>omit, insert—</i>	7
	<b>‘286B Chief executive must give copy of application and renewed mining lease to EPA administering authority</b>	8 9
	‘(1) If an application is made for the renewal of a mining lease, the chief executive must give the EPA administering authority a copy within 5 business days.	10 11 12
	‘(2) If the Governor in Council grants a renewal of a mining lease, the chief executive must, within 5 business days, give the EPA administering authority written notice that the mining lease has been renewed.’.	13 14 15 16
<b>Clause 71</b>	<b>Amendment of pt 7AA, div 2, sdiv 3, hdg (Provisions for splitting application in particular circumstances)</b>	17 18
	Part 7AA, division 2, subdivision 3, heading, ‘splitting application’—	19 20
	<i>omit, insert—</i>	21
	‘separate applications’.	22
<b>Clause 72</b>	<b>Amendment of s 318AQ (Requirement to split application if it relates to petroleum lease and authority to prospect not held by same person)</b>	23 24 25
	(1) Section 318AQ, heading—	26
	<i>omit, insert—</i>	27
	<b>‘318AQ Requirement for separate applications relating to authority to prospect and petroleum lease not held by same person’.</b>	28 29 30
	(2) Section 318AQ(1), ‘the application is’—	31
	<i>omit, insert—</i>	32

‘a person to whom this division applies wishes to make an application to which this division applies’ 1  
2

(3) Section 318AQ(2)— 3  
*omit, insert—* 4

‘(2) The person must lodge separate mining lease applications for the authority to prospect part and the petroleum lease part.’. 5  
6

(4) Section 318AQ(5) and (6)— 7  
*omit.* 8

**Clause 73 Amendment of s 318AR (Power to split application if it includes other land)** 9  
10

(1) Section 318AR, heading— 11  
*omit, insert—* 12

**‘318AR Requirement for separate application for other land’.** 13

(2) Section 318AR(1), ‘the application’— 14  
*omit, insert—* 15

‘a person to whom this division applies wishes to make an application to which this division applies and the proposed application’ 16  
17  
18

(3) Section 318AR(2)— 19  
*omit, insert—* 20

‘(2) The person must lodge a separate mining lease application for the other part.’. 21  
22

(4) Section 318AR(4) and (5)— 23  
*omit.* 24

**Clause 74 Omission of s 318AS (Power to split application at applicant’s request)** 25  
26

Section 318AS— 27  
*omit.* 28

<b>Clause 75</b>	<b>Amendment of s 318AT (Applicant's obligations)</b>	1
	(1) Section 318AT(2), 'subsection (1)(b)(iii) and (ba)'—	2
	<i>omit, insert—</i>	3
	'subsection (1)(b)(ii) and (c)'.	4
	(2) Section 318AT(3), 'subsection (1)(b)(iii)'—	5
	<i>omit, insert—</i>	6
	'subsection (1)(b)(ii)'.	7
	(3) Section 318AT(3), 'agreement'—	8
	<i>omit, insert—</i>	9
	'testing arrangement'.	10
 <b>Clause 76</b>	 <b>Amendment of s 318BQ (Requirement to split application if it relates to petroleum lease and authority to prospect not held by same person)</b>	 11 12 13
	(1) Section 318BQ, heading—	14
	<i>omit, insert—</i>	15
	<b>'318BQ Requirement for separate applications relating to petroleum lease and authority to prospect not held by same person'.</b>	16 17 18
	(2) Section 318BQ(1), 'the application is'—	19
	<i>omit.</i>	20
	(3) Section 318BQ(1)(a), before 'for land'	21
	<i>insert—</i>	22
	'a person to whom this division applies wishes to make an application to which this division applies'.	23 24
	(4) Section 318BQ(2)—	25
	<i>omit, insert—</i>	26
	'(2) The person must lodge separate mining lease applications for the authority to prospect part and the petroleum lease part.'	27 28
	(5) Section 318BQ(5) and (6)—	29
	<i>omit.</i>	30

<b>Clause 77</b>	<b>Amendment of s 318BR (Power to split application if it includes other land)</b>	1 2
	(1) Section 318BR, heading—	3
	<i>omit, insert—</i>	4
	<b>‘318BR Requirement for separate application for other land’.</b>	5
	(2) Section 318BR(1), ‘the application’—	6
	<i>omit, insert—</i>	7
	‘a person to whom this division applies wishes to make an application to which this division applies and the proposed application’	8 9 10
	(3) Section 318BR(2)—	11
	<i>omit, insert—</i>	12
	‘(2) The person must lodge a separate mining lease application for the other part.’.	13 14
	(4) Section 318BR(4) and (5)—	15
	<i>omit.</i>	16
 <b>Clause 78</b>	 <b>Omission of s 318BS (Power to split application at applicant’s request)</b>	 17 18
	Section 318BS—	19
	<i>omit.</i>	20
 <b>Clause 79</b>	 <b>Replacement of ss 318BY and 318BZ</b>	 21
	Sections 318BY and 318BZ—	22
	<i>omit, insert—</i>	23
	<b>‘318BY Requirement for separate application for other land</b>	24
	‘(1) This section applies if—	25
	(a) a person to whom this division applies wishes to make an application to which this division applies; and	26 27
	(b) the proposed application includes land (the <i>other part</i> ) in the area of an authority to prospect held by someone else.	28 29 30

	‘(2) The person must lodge a separate mining lease application for the other part.	1 2
	‘(3) The separate application must be decided under division 2. <sup>2</sup> ’.	3
<b>Clause 80</b>	<b>Amendment of s 318CB (Restriction on issuing certificate of public notice and additional requirements for grant)</b>	4 5
	Section 318CB—	6
	<i>insert—</i>	7
	‘(2A) Despite subsection (1), a certificate of public notice may be issued under section 252A for the application if the petroleum lease holder has consented to the making of the application and the issuing of the notice.’.	8 9 10 11
<b>Clause 81</b>	<b>Replacement of ss 318CE and 318CF</b>	12
	Sections 318CE and 318CF—	13
	<i>omit, insert—</i>	14
	<b>‘318CE Requirement for separate application for other land</b>	15
	‘(1) This section applies if—	16
	(a) a person to whom this division applies wishes to make an application to which this division applies; and	17 18
	(b) the proposed application includes land (the <i>other part</i> ) in the area of an authority to prospect held by someone else.	19 20 21
	‘(2) The person must lodge a separate mining lease application for the other part.	22 23
	‘(3) The separate application must be decided under division 2. <sup>3</sup> ’.	24

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2 Division 2 (Obtaining coal or oil shale mining lease over land in area of authority to prospect (other than by or jointly with, or with the consent of, authority to prospect holder))

3 Division 2 (Obtaining coal or oil shale mining lease over land in area of authority to prospect (other than by or jointly with, or with the consent of, authority to prospect holder))

<b>Clause 82</b>	<b>Amendment of s 318CU (Obligation to measure and record coal seam gas mined)</b>	1 2
	(1) Section 318 CU(1)(a), ‘, under section 318CM,’—	3
	<i>omit.</i>	4
	(2) Section 318CU(1)(a)—	5
	<i>insert—</i>	6
	<i>Note—</i>	7
	Noncompliance with the conditions under this section may also	8
	be an offence. See the Petroleum and Gas (Production and	9
	Safety) Act, sections 15 (When petroleum is <i>produced</i> ) and 801	10
	(Petroleum producer’s measurement obligations).’.	11
<b>Clause 83</b>	<b>Amendment of s 318CV (Obligation to lodge annual reports)</b>	12 13
	Section 318CV(4), definition <i>anniversary day</i> , ‘day the	14
	mining lease took effect’—	15
	<i>omit, insert—</i>	16
	‘day on which the term of the mining lease started’.	17
<b>Clause 84</b>	<b>Amendment of s 318DJ (Applied provisions for renewal application)</b>	18 19
	(1) Section 318DJ(2), definition <i>adopted provisions</i> , paragraph	20
	(d), after ‘division 3’—	21
	<i>insert—</i>	22
	‘, other than section 318BQ’.	23
	(2) Section 318DJ(2), definition <i>adopted provisions</i> , paragraph	24
	(e), after ‘division 5’—	25
	<i>insert—</i>	26
	‘, other than section 318BY’.	27
<b>Clause 85</b>	<b>Amendment of s 318EB (Obligation to lodge proposed later development plan)</b>	28 29
	(1) Section 318EB(3)(a), ‘80’—	30

	<i>omit, insert—</i>	1
	‘100’.	2
(2)	Section 318EB(5)(a), ‘20’—	3
	<i>omit, insert—</i>	4
	‘40’.	5
(3)	Section 318EB(6), definition <i>relevant fee</i> , paragraph (b)(ii) and (iii)—	6 7
	<i>omit, insert—</i>	8
	‘(ii) if it is not lodged under subsection (4)—an amount that is 10 times the prescribed fee.’.	9 10
<b>Clause 86</b>	<b>Amendment of s 319 (Effect on development)</b>	11
(1)	Section 319(1), ‘subsection (2)’—	12
	<i>omit, insert—</i>	13
	‘subsections (2) and (3)’.	14
(2)	Section 319—	15
	<i>insert—</i>	16
‘(3)	For applying the Planning Act in relation to the <i>Building Act 1975</i> —	17 18
(a)	the Planning Act applies to building work, as defined under that Act, forming part of development authorised under this Act, including development authorised under a mining tenement; and	19 20 21 22
(b)	the building work is taken to be self-assessable building work for the <i>Building Act 1975</i> , section 21.	23 24
	<i>Note—</i>	25
	See in particular the Planning Act, section 4.3.2 (Self-assessable development must comply with codes).’.	26 27
<b>Clause 87</b>	<b>Amendment of s 387 (Registers to be maintained)</b>	28
	Section 387—	29
	<i>insert—</i>	30



- ‘(3) A register kept by the chief executive or a mining registrar must be kept in the form decided by the chief executive.’. 1  
2

**Clause 88 Insertion of new ss 387A–387C** 3

After section 387— 4

*insert—* 5

**‘387A Access to registers** 6

- ‘(1) This section applies in relation to the register that the chief executive or a mining registrar must maintain under section 387. 7  
8  
9

- ‘(2) The chief executive or the mining registrar must— 10

(a) keep the register open for inspection by the public during office hours on business days at— 11  
12

(i) for the chief executive—the places the chief executive considers appropriate; or 13  
14

(ii) for a mining registrar—the registrar’s office; and 15

(b) allow a person, on payment of the fee prescribed under a regulation, to search and take extracts from the register; and 16  
17  
18

(c) give a person who asks for it a copy of all or part of a notice, a document or information held in the register, on payment of the fee prescribed under a regulation. 19  
20  
21

- ‘(3) Subsection (2) is subject to section 387B. 22

**‘387B Arrangements with other departments for copies from a register** 23  
24

- ‘(1) The chief executive may enter into an arrangement with another department allowing it to carry out a search of, take extracts from or obtain a copy of, particulars recorded in a register, without payment of the fees prescribed under section 387A. 25  
26  
27  
28  
29

- ‘(2) However, the chief executive may enter into an arrangement under subsection (1) only if the chief executive is reasonably satisfied the information obtained from the search or the copy will not be— 30  
31  
32  
33

(a)	used for a commercial purpose, including, for example, the marketing or sale of the information or other information; or	1 2 3
(b)	included in another database of information, in any form, other than with chief executive's approval.	4 5
<b>'387C</b>	<b>Supply of statistical data from a register</b>	6
'(1)	The chief executive may enter into an agreement to supply statistical data derived from instruments or information kept in a register.	7 8 9
'(2)	If the chief executive supplies statistical data under subsection (1)—	10 11
(a)	the fees and charges applying for the supply of the data are the fees and charges provided for in the agreement; and	12 13 14
(b)	without limiting paragraph (a), the agreement may also state—	15 16
(i)	how the fees and charges are to be calculated; and	17
(ii)	how payment of the fees and charges is to be made.	18
'(3)	Without limiting subsection (1), an agreement for the supply of statistical data may limit the use to which the data supplied may be put.	19 20 21
'(4)	An agreement for the supply of statistical data must include—	22
(a)	a provision allowing the chief executive to exclude particulars from data supplied under the agreement, if the chief executive is satisfied, on reasonable grounds, that inclusion of the particulars may result in the particulars being inappropriately disclosed or used; and	23 24 25 26 27
(b)	a provision allowing the chief executive to prohibit disclosure, or to limit distribution or use, of data supplied under the agreement.	28 29 30
'(5)	An agreement under this section must not provide for the obtaining of information or anything else that may be obtained under a search of a register permitted under this Act.	31 32 33

- ‘(6) The chief executive must exclude mining tenement particulars and personal information from data supplied under the agreement. 1  
2  
3
- ‘(7) Subsection (6) applies despite anything in the agreement. 4
- ‘(8) In this section— 5
- mining tenement particulars* means particulars from any instrument or information kept by the chief executive or a mining registrar that may allow a person to identify a mining tenement to which the instrument or information relates. 6  
7  
8  
9
- personal information* means a particular from any instrument or information kept by the chief executive or a mining registrar that may allow a person to identify a person to whom the instrument or information relates.’ 10  
11  
12  
13

- Clause 89 Amendment of s 391B (Right of access for authorised activities includes access for rehabilitation and environmental management)** 14  
15  
16
- Section 391B, ‘part’— 17
- omit, insert—* 18
- ‘Act’. 19

- Clause 90 Insertion of new s 404E** 20
- After section 404D— 21
- insert—* 22
- ‘404E Interference with road** 23
- ‘(1) A person must not perform a mining activity in a way that obstructs a road, unless the mining activity is expressly authorised under a mining tenement. 24  
25  
26
- Maximum penalty—200 penalty units. 27
- ‘(2) A person must not, in performing a mining activity, undermine a road in a way that endangers any person using, or likely to use, the road. 28  
29  
30
- Maximum penalty—200 penalty units. 31
- ‘(3) In this section— 32

- mining activity*** means an activity for the purpose of mining and includes, for example—
- (a) depositing earth or material; and
  - (b) disturbing the surface of the ground; and
  - (c) erecting works; and
  - (d) sinking a shaft.’.

- Clause 91 Insertion of new s 416B**
- After section 416A—
- insert—*
- ‘416B Ministerial directions about the giving of information**
- ‘(1) The Minister may, in the way the Minister considers appropriate, publish directions about the giving of information, including the giving of additional information, to the Minister or the chief executive for the purposes of this Act.
  - ‘(2) A direction published under subsection (1) must state a period, that is not less than 20 business days, within which the information must be given.
  - ‘(3) Without limiting subsection (1), the directions may provide for how the information must be given if this Act does not already so provide.
- Examples of how information may be required to be given—*
- by an approved form or a notice
  - by progressive reporting under a development plan
  - by a volumetric plan of survey
  - by a geological survey
  - by a statement, supporting an application for a mining tenement, about the financial resources or technical advice available to the applicant or the applicant’s previous compliance with a condition or provision of a mining tenement
- ‘(4) If—
    - (a) a person is required or permitted to give the Minister, the chief executive or a mining registrar (the ***official***)

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	information for a particular purpose relating to this Act;	1
	and	2
	(b) this Act does not provide for how the information may or must be given to the official for the purpose; and	3 4
	(c) the person gives the official the information in the way required or permitted under the directions;	5 6
	the person is taken to have given the official the information for the purpose.	7 8
	‘(5) Unless a direction states a particular office of the department where the information must be given, the information must be given at the office of the chief executive.	9 10 11
	‘(6) The chief executive must—	12
	(a) keep—	13
	(i) a copy of each direction; and	14
	(ii) a record (by whatever name called) of each direction, including the dates when each direction was published and superseded; and	15 16 17
	(b) make each direction and the record available to the public in the way the chief executive considers appropriate.	18 19 20
	‘(7) Without limiting subsection (6), the chief executive must ensure an up-to-date copy of each direction and the record is available to be read free of charge at each office of the department and on the department’s website.’.	21 22 23 24
<b>Clause 92</b>	<b>Amendment of s 672 (Fixing of date for combined hearing)</b>	25 26
	Section 672, ‘mining registrar’—	27
	<i>omit, insert—</i>	28
	‘tribunal’.	29
<b>Clause 93</b>	<b>Amendment of s 747 (Continuation of particular rights relating to coal seam gas under mineral hydrocarbon mining leases)</b>	30 31 32
	Section 747(2)(b)—	33

<i>omit, insert—</i>	1
‘(b) section 318CU; and	2
(c) the following provisions of the Petroleum and Gas (Production and Safety) Act—	3 4
(i) chapters 6, 9, 10 and 11;	5
(ii) chapter 8, parts 1 and 2;	6
(iii) chapters 12 to 14 to the extent they apply for the provisions mentioned in subparagraphs (i) and (ii). <sup>4</sup> .	7 8 9

<b>Clause 94</b>	<b>Insertion of new pt 19, div 9</b>	10
	Part 19—	11
	<i>insert—</i>	12
<b>‘Division 9</b>	<b>Transitional provision for Mining and Other Legislation Amendment Act 2007</b>	13 14 15
<b>‘766</b>	<b>Provision for amendment of s 133</b>	16
	‘(1) This section applies for an exploration permit application if—	17
	(a) it was lodged on or before 31 March 2003; and	18
	(b) it had not been decided before the commencement of this section; and	19 20
	(c) any of the native title provisions apply for the deciding of the application.	21 22
	‘(2) Section 133 applies for the deciding of the application as if the amendment of that section under the <i>Mining and Other Legislation Amendment Act 2007</i> had not been enacted.’.	23 24 25

4 *Petroleum and Gas (Production and Safety) Act 2004*, chapters 6 (Petroleum royalty), 8 (Petroleum and fuel gas measurement), 9 (Safety), 10 (Investigations and enforcement), 11 (General offences), 12 (Reviews and appeals), 13 (Evidence and legal proceedings) and 14 (Miscellaneous provisions)

<b>Clause 95</b>	<b>Amendment of schedule (Dictionary)</b>	1
	Schedule—	2
	<i>insert</i> —	3
	‘ <i>financial resources</i> , for a provision about an application for an exploration permit, mineral development licence or mining lease, includes the financial resources necessary to comply with the following for the area to which the application relates—	4
		5
		6
		7
		8
	(a) any relevant provisions of the Commonwealth Native Title Act;	9
		10
	(b) any registered indigenous land use agreement under that Act.’.	11
		12
<b>Part 7</b>	<b>Amendment of Mining And Quarrying Safety and Health Act 1999</b>	13
		14
		15
<b>Clause 96</b>	<b>Act amended in pt 7</b>	16
	This part and the schedule amend the <i>Mining and Quarrying Safety and Health Act 1999</i> .	17
		18
<b>Clause 97</b>	<b>Amendment of s 31 (Discharge of obligations)</b>	19
	Section 31, penalty, paragraphs (a) to (d)—	20
	<i>omit, insert</i> —	21
	‘(a) if the contravention caused multiple deaths—2000 penalty units or 3 years imprisonment; or	22
		23
	(b) if the contravention caused death or grievous bodily harm—1000 penalty units or 2 years imprisonment; or	24
		25
	(c) if the contravention caused bodily harm—750 penalty units or 1 year’s imprisonment; or	26
		27

- (d) if the contravention involved exposure to a substance that is likely to cause death or grievous bodily harm—750 penalty units or 1 year’s imprisonment; or 1  
2  
3
- (e) otherwise—500 penalty units or 6 months imprisonment.’. 4  
5

<b>Clause 98</b>	<b>Amendment of s 69 (Membership of council)</b>	6
	Section 69(2)—	7
	<i>omit, insert—</i>	8
	‘(2) The chairperson of the council is the chief executive or the chief executive’s nominee.’.	9 10
<b>Clause 99</b>	<b>Amendment of s 70 (Organisations to submit names to Minister)</b>	11 12
	Section 70(4), ‘4 or’—	13
	<i>omit, insert—</i>	14
	‘6 or’.	15
<b>Clause 100</b>	<b>Amendment of s 71 (Appointment of members)</b>	16
	(1) Section 71(4), from ‘council’—	17
	<i>omit, insert—</i>	18
	‘council.’.	19
	(2) Section 71(5), ‘to be a member’—	20
	<i>omit, insert—</i>	21
	‘under subsection (1)’.	22
	(3) Section 71(6), ‘to the council’—	23
	<i>omit, insert—</i>	24
	‘under subsection (1)’.	25
<b>Clause 101</b>	<b>Amendment of s 72 (Duration of appointment)</b>	26
	(1) Section 72(1)—	27



*omit, insert—*

‘(1) A member of the council may be appointed, or re-appointed, by the Minister under section 71(1) for a term of not more than 3 years.’.

(2) Section 72(2)—

*omit.*

## Clause 102 Insertion of new s 74A

After section 74—

*insert—*

### ‘74A Substitute members

‘(1) The Minister may appoint 2 persons (*substitute members*) from each panel submitted under section 70(1), in addition to the persons appointed under section 71(1), to take part in meetings of the council in place of a member (*original member*) appointed from the same panel.

‘(2) One of the persons appointed from the panel submitted by industrial organisations representing workers must be a member of the industrial organisation that represents the majority of the workers in Queensland.

‘(3) When appointing a substitute member, the Minister must consider the matters mentioned in section 71(6)(a), (b) and (c).

‘(4) A substitute member may be appointed, or reappointed, for a term of not more than 3 years.

‘(5) A person stops being a substitute member if, for any reason or none, the Minister gives the person written notification that the person is no longer a substitute member.

‘(6) While taking part in a meeting in place of an original member, a substitute member is a member of the council and—

(a) is entitled to the same remuneration and allowances that the original member is entitled to; and

(b) is subject to the conditions, mentioned in section 73(2) and applying to the original member, that are capable of applying to the substitute member.’.

<b>Clause 103</b>	<b>Amendment of s 92 (Functions of site safety and health representatives)</b>	1 2
	Section 92(1)(a), ‘, a supervisor or an inspector’—	3
	<i>omit, insert—</i>	4
	‘or a supervisor, inspector, inspection officer or authorised officer’.	5 6
<b>Clause 104</b>	<b>Amendment of pt 9 hdg (Inspectors and inspection officers and directives)</b>	7 8
	Part 9, heading, ‘inspection’—	9
	<i>omit, insert—</i>	10
	‘other’.	11
<b>Clause 105</b>	<b>Insertion of new s 124A</b>	12
	After section 124—	13
	<i>insert—</i>	14
	<b>‘124A Appointment conditions and limit on powers and functions</b>	15 16
	‘(1) A person who is appointed as an inspector or inspection officer holds office on any conditions stated in—	17 18
	(a) the person’s instrument of appointment; or	19
	(b) a signed notice given to the person by the chief executive.	20 21
	‘(2) The instrument of appointment, a notice given to the person by the chief executive or a regulation may limit the person’s functions or powers under this Act for the office.’.	22 23 24
<b>Clause 106</b>	<b>Renumbering of pt 9, divs 2–4</b>	25
	Part 9, divisions 2 to 4—	26
	<i>renumber</i> as part 9, divisions 4 to 6.	27

<b>Clause 107</b>	<b>Insertion of new pt 9, div 2 and pt 9, div 3 hdg</b>	1
	After section 126—	2
	<i>insert—</i>	3
<b>‘Division 2</b>	<b>Authorised officers</b>	4
<b>‘126A</b>	<b>Appointments</b>	5
	‘The chief executive may appoint officers or employees of the public service as authorised officers.	6 7
<b>‘126B</b>	<b>Qualifications for appointment as authorised officer</b>	8
	‘(1) The chief executive may only appoint a person as an authorised officer after deciding the functions the person may perform under this Act having regard to the person’s competencies and experience.	9 10 11 12
	‘(2) If the chief executive decides that the functions the person may perform as an authorised officer are limited because of the person’s competencies and experience, the chief executive, when appointing the person as an authorised officer, must correspondingly limit the extent to which the person may perform functions or exercise powers as provided under section 126C.	13 14 15 16 17 18 19
<b>‘126C</b>	<b>Appointment conditions and limit on functions and powers</b>	20 21
	‘(1) A person who is appointed as an authorised officer holds office on any conditions stated in—	22 23
	(a) the person’s instrument of appointment; or	24
	(b) a signed notice given to the person by the chief executive.	25 26
	‘(2) The instrument of appointment, a notice given to the person by the chief executive or a regulation may limit the person’s functions or powers under this Act for the office.	27 28 29

- ‘(3) An authorised officer is also subject to the directions of the chief inspector in performing the functions or exercising the powers. 1  
2  
3
- ‘(4) This section applies despite any other provision of this Act. 4

**‘126D Functions of authorised officers 5**

- ‘Subject to sections 126B and 126C, authorised officers have the following functions— 6  
7
- (a) to monitor safety and health performance at mines; 8
- (b) to inspect and audit mines to assess whether risk is at an acceptable level; 9  
10
- (c) to help persons to achieve the purposes of this Act by providing advice and information on how the purposes are to be achieved; 11  
12  
13
- (d) to check that safety and health management systems and procedures are in place to control risk to persons affected by operations; 14  
15  
16
- (e) to investigate serious accidents and high potential incidents and other matters at mines that affect the effective management of risk to persons; 17  
18  
19
- (f) to investigate complaints about matters relating to safety or health resulting from operations. 20  
21

**‘126E Information about functions and powers 22**

- ‘(1) This section applies if before exercising a power or further exercising a power in relation to a person, an authorised officer is asked by the person for information about the authorised officer’s functions or powers under the Act. 23  
24  
25  
26
- ‘(2) The authorised officer must only exercise, or continue to exercise, the power in relation to the person if the authorised officer first produces for the person’s inspection a list of the authorised officer’s functions and powers under the Act. 27  
28  
29  
30

	<b>‘Division 3</b>	<b>Identity cards for inspectors, inspection officers and authorised officers’.</b>	1 2 3
<b>Clause 108</b>	<b>Amendment of s 127 (Identity cards)</b>		4
	(1)	Section 127(1), ‘and inspection’— <i>omit, insert—</i> ‘, inspection officer and authorised’.	5 6 7
	(2)	Section 127(2), ‘or inspection’— <i>omit, insert—</i> ‘, inspection officer or authorised’.	8 9 10
<b>Clause 109</b>	<b>Amendment of s 129 (Production or display of identity card)</b>		11 12
	(1)	Section 129(1), first and second mention, and 129(2), ‘or inspection’— <i>omit, insert—</i> ‘, inspection officer or authorised’.	13 14 15 16
	(2)	Section 129(1)(a), ‘inspection’— <i>omit.</i>	17 18
<b>Clause 110</b>	<b>Replacement of pt 9, div 4 hdg, as renumbered (Powers of inspectors and inspection officers)</b>		19 20
		Part 9, division 4, as renumbered, heading— <i>omit, insert—</i>	21 22
	<b>‘Division 4</b>	<b>Powers of inspectors, inspection officers and authorised officers’.</b>	23 24
<b>Clause 111</b>	<b>Renumbering of pt 9, div 4, as renumbered, sdiv 1–7</b>		25
		Part 9, division 4, as renumbered, subdivisions 1 to 7— <i>renumber</i> as part 9, division 4, subdivisions 2 to 8.	26 27

<b>Clause 112</b>	<b>Insertion of new pt 9, div 4, as renumbered, sdiv 1</b>	1
	Part 9, division 4, as renumbered—	2
	<i>insert</i> —	3
	<b>‘Subdivision 1 Preliminary</b>	4
	<b>‘129A Definition for div 4</b>	5
	‘In this division—	6
	<i>officer</i> means an inspector, an inspection officer or an authorised officer.’.	7 8
<b>Clause 113</b>	<b>Amendment of s 131 (Consent to entry)</b>	9
	(1) Section 131, ‘inspector or inspection’—	10
	<i>omit.</i>	11
	(2) Section 131(4)(c), after ‘officer’—	12
	<i>insert</i> —	13
	‘or other officer’.	14
<b>Clause 114</b>	<b>Amendment of s 136 (General powers after entering mine or other places)</b>	15 16
	(1) Section 136, ‘inspector or inspection’—	17
	<i>omit.</i>	18
	(2) Section 136(3)(f), ‘inspector’s or inspection’—	19
	<i>omit.</i>	20
<b>Clause 115</b>	<b>Amendment of s 139 (Site senior executive must help inspector or inspection officer)</b>	21 22
	(1) Section 139, ‘inspector or inspection’—	23
	<i>omit.</i>	24
	(2) Section 139(1), ‘inspector’s or inspection’—	25
	<i>omit.</i>	26

<b>Clause 116</b>	<b>Amendment of s 142 (Tampering with things subject to seizure)</b>	1 2
	(1) Section 142, ‘inspector or inspection’—	3
	<i>omit.</i>	4
	(2) Section 142, ‘inspector’s or inspection’—	5
	<i>omit.</i>	6
<b>Clause 117</b>	<b>Amendment of s 147 (Access to things that have been seized)</b>	7 8
	(1) Section 147(1), ‘inspector or inspection’—	9
	<i>omit.</i>	10
	(2) Section 147(3), ‘inspector’—	11
	<i>omit, insert—</i>	12
	‘an officer’.	13
<b>Clause 118</b>	<b>Amendment of s 148 (Inspector may stop and secure plant and equipment)</b>	14 15
	(1) Section 148, heading, ‘Inspector’—	16
	<i>omit, insert—</i>	17
	‘ <b>Officer</b> ’.	18
	(2) Section 148(1) and (2), ‘inspector or inspection’—	19
	<i>omit.</i>	20
<b>Clause 119</b>	<b>Amendment of s 151 (Power to require production of documents)</b>	21 22
	(1) Section 151(1) to (5), ‘inspector or inspection’—	23
	<i>omit.</i>	24
	(2) Section 151(6), ‘an inspector’—	25
	<i>omit, insert—</i>	26
	‘the officer’.	27
	(3) Section 151(6), ‘the inspector’—	28

	<i>omit, insert—</i>	1
	‘the officer’.	2
	(4) Section 151—	3
	<i>insert—</i>	4
	‘(6A) If an officer keeps a document under subsection (6), the officer must give a copy of the document to the person responsible for keeping the document.’.	5 6 7
<b>Clause 120</b>	<b>Amendment of s 170 (Records must be kept)</b>	8
	(1) Section 170—	9
	<i>insert—</i>	10
	‘(1A) An authorised officer must keep an accurate record of all reports given by the authorised officer under this Act.’.	11 12
	(2) Section 170(2) and (3), after ‘inspection officer’—	13
	<i>insert—</i>	14
	‘, authorised officer’.	15
<b>Clause 121</b>	<b>Amendment of s 176 (False and misleading statements)</b>	16
	Section 176(1), ‘or inspection officer’—	17
	<i>omit, insert—</i>	18
	‘, inspection officer, authorised officer or district workers’ representative’.	19 20
<b>Clause 122</b>	<b>Amendment of s 177 (False or misleading documents)</b>	21
	Section 177(1) and (2)(a), after ‘inspection officer’—	22
	<i>insert—</i>	23
	‘, authorised officer’.	24
<b>Clause 123</b>	<b>Amendment of s 178 (Obstructing inspectors, inspection officers or district worker’s representatives)</b>	25 26
	(1) Section 178, heading, ‘inspection’—	27



	<i>omit.</i>	1
(2)	Section 178(1) and (2), after ‘inspection officer’—	2
	<i>insert—</i>	3
	‘, authorised officer’.	4
<b>Clause 124</b>	<b>Amendment of s 195 (Notice of accidents, incidents or diseases)</b>	5
		6
(1)	Section 195, heading, after ‘incidents’—	7
	<i>insert—</i>	8
	‘, <b>deaths</b> ’.	9
(2)	Section 195(1), ‘or high potential incident’—	10
	<i>omit, insert—</i>	11
	‘, high potential incident or a death’.	12
(3)	Section 195(1), ‘or incident’—	13
	<i>omit, insert—</i>	14
	‘, incident or death’.	15
(4)	Section 195(2)—	16
	<i>omit, insert—</i>	17
‘(2)	Subsection (3) applies to—	18
(a)	a serious accident at a mine resulting in a person receiving—	19
		20
(i)	a bodily injury endangering, or likely to endanger, the person’s life; or	21
		22
(ii)	an injury causing, or likely to cause, a permanent injury to the person’s health; or	23
		24
(b)	a high potential incident at a mine of a type prescribed under a regulation; or	25
		26
(c)	a death at a mine, whether or not caused by an accident at the mine.’.	27
		28
(5)	Section 195(3), ‘or incident’—	29

	<i>omit, insert—</i>	1
	‘, incident or death’.	2
(6)	Section 195(5), ‘serious accident results in’—	3
	<i>omit, insert—</i>	4
	‘oral report relates to a’.	5
<b>Clause 125</b>	<b>Amendment of s 223 (Who may appeal)</b>	6
	Section 223(b), ‘division 3’—	7
	<i>omit, insert—</i>	8
	‘division 5’.	9
<b>Clause 126</b>	<b>Amendment of s 229 (Proof of appointments and authority unnecessary)</b>	10
	Section 229(1)(a) and (b), after ‘an inspection officer,’—	11
	<i>insert—</i>	12
	‘an authorised officer,’.	13
<b>Clause 127</b>	<b>Amendment of s 230 (Proof of signatures unnecessary)</b>	14
	Section 230, after ‘an inspection officer,’—	15
	<i>insert—</i>	16
	‘an authorised officer,’.	17
<b>Clause 128</b>	<b>Amendment of s 231 (Evidentiary aids)</b>	18
(1)	Section 231(4), ‘or inspection officer’—	19
	<i>omit, insert—</i>	20
	‘inspection officer, an authorised officer’.	21
(2)	Section 231(5), definition <i>certificate</i> , after ‘an inspection officer,’—	22
	<i>insert—</i>	23
	‘an authorised officer,’.	24
		25
		26

<b>Clause 129</b>	<b>Amendment of s 247 (Person not to encourage refusal to answer questions)</b>	1 2
	Section 247(1), after ‘inspection officer’—	3
	<i>insert</i> —	4
	‘, authorised officer’.	5
<b>Clause 130</b>	<b>Amendment of s 248 (Impersonating inspector or inspection officers and others)</b>	6 7
	(1) Section 248, heading, ‘inspector or inspection officers and others’—	8 9
	<i>omit, insert</i> —	10
	<b>‘inspectors, officers or representatives’.</b>	11
	(2) Section 248, after ‘inspection officer,’—	12
	<i>insert</i> —	13
	‘authorised officer,’.	14
<b>Clause 131</b>	<b>Amendment of s 249 (Protection for officers)</b>	15
	Section 249(2), definition <i>officer</i> , paragraphs (c) and (d)—	16
	<i>omit, insert</i> —	17
	‘(c) an authorised officer; or	18
	(d) a district workers’ representative; or	19
	(e) a site safety and health representative.’.	20
<b>Clause 132</b>	<b>Amendment of s 256 (Protection from liability)</b>	21
	Section 256(3), definition <i>official</i> , paragraphs (f) to (h)—	22
	<i>omit, insert</i> —	23
	‘(f) an authorised officer; or	24
	(g) a person acting under the direction of or helping an inspector, inspection officer or authorised officer; or	25 26
	(h) a member or a substitute member of the council; or	27

- (i) a district workers' representative or a site safety and health representative.' 1  
2

<b>Clause 133</b>	<b>Amendment of s 262 (Regulation-making power)</b>	3
	Section 262(3)(e), after 'officers,'—	4
	<i>insert</i> —	5
	'authorised officers,'.	6
<b>Clause 134</b>	<b>Amendment of sch 2 (Dictionary)</b>	7
	Schedule 2—	8
	<i>insert</i> —	9
	' <i>authorised officer</i> means a person appointed as an authorised officer under this Act.	10
	<i>officer</i> , for part 9, division 4, see section 129A.	11
	<i>substitute member</i> see section 74A(1).'	12
		13

## **Part 8**                      **Amendment of Petroleum Act 1923**                      14 15

<b>Clause 135</b>	<b>Act amended in pt 8 and schedule</b>	16
	This part and the schedule amend the <i>Petroleum Act 1923</i>	17
<b>Clause 136</b>	<b>Omission of s 7B (Notes in text)</b>	18
	Section 7B—	19
	<i>omit</i> .	20
<b>Clause 137</b>	<b>Amendment of s 25L (Conditions for renewal application)</b>	21
	Section 25L(2)(c), after '2004 Act lease'—	22
	<i>insert</i> —	23

‘, other than a 2004 Act lease granted under the 2004 Act,  
chapter 3, part 2, division 2 or part 3, division 3’.

		1
		2
<b>Clause 138</b>	<b>Amendment of s 40 (Lease to holder of authority to prospect)</b>	3
		4
	Section 40(1), ‘may apply’—	5
	<i>omit, insert</i> —	6
	‘may, by signed writing, apply’.	7
<b>Clause 139</b>	<b>Amendment of s 45 (Entitlement to renewal of lease)</b>	8
	(1) Section 45(1), after ‘renewal of the lease’—	9
	<i>insert</i> —	10
	‘by the Governor in Council’.	11
	(2) Section 45(2A)(d)—	12
	<i>renumber</i> as section 45(2A)(e).	13
	(3) Section 45(2A)—	14
	<i>insert</i> —	15
	‘(d) include a statement about how and when the applicant	16
	proposes to consult with, and keep informed, each	17
	owner and occupier of private or public land on which	18
	authorised activities for the renewed lease are, or are	19
	likely to be, carried out; and’.	20
<b>Clause 140</b>	<b>Amendment of s 48 (Commencement of drilling)</b>	21
	Section 48(2), ‘section 57’—	22
	<i>omit, insert</i> —	23
	‘section 49’.	24
<b>Clause 141</b>	<b>Amendment of s 53B (Plan period)</b>	25
	Section 53B(2)(b), after ‘start of the term’—	26
	<i>insert</i> —	27
	‘or renewed term’.	28

<b>Clause 142</b>	<b>Omission of s 54 (Signing of applications)</b>	1
	Section 54—	2
	<i>omit.</i>	3
<b>Clause 143</b>	<b>Amendment, relocation and renumbering of s 57 (Ascertainment of value)</b>	4
	(1) Section 57, ‘For the purposes of this Act’—	5
	<i>omit, insert—</i>	6
	‘For section 48(2)’.	7
	(2) Section 57—	8
	<i>relocate and renumber</i> as section 49.	9
		10
<b>Clause 144</b>	<b>Amendment of s 74K (Obligation to lodge proposed later work program)</b>	11
	(1) Section 74K(3) and (5)(a), ‘20’—	12
	<i>omit, insert—</i>	13
	‘40’.	14
	(2) Section 74K(3), ‘60’—	15
	<i>omit, insert—</i>	16
	‘100’.	17
	(3) Section 74K(6), definition <i>relevant fee</i> , paragraph (b)(ii) and (iii)—	18
	<i>omit, insert—</i>	19
	‘(ii) if it is not lodged under subsection (4)—an amount that is 10 times the prescribed fee.’.	20
		21
		22
		23
<b>Clause 145</b>	<b>Amendment of s 74Q (Obligation to lodge proposed later development plan)</b>	24
	(1) Section 74Q(3)(b)(i), ‘80’—	25
	<i>omit, insert—</i>	26
	‘100’.	27
		28

- (2) Section 74Q(5)(a), ‘20’— 1  
     *omit, insert—* 2  
     ‘40’. 3
- (3) Section 74Q(6), definition *relevant fee*, paragraph (b)(ii) and 4  
     (iii)— 5  
     *omit, insert—* 6  
         ‘(ii) if it is not lodged under subsection (4)—an amount 7  
             that is 10 times the prescribed fee.’. 8

**Clause 146 Insertion of new s 75AA** 9  
     Part 6A, division 4— 10  
     *insert—* 11

**‘75AA Notice of change of holder’s name** 12

- ‘(1) This section applies if there is a change to the name of a 13  
     holder of a 1923 Act petroleum tenure and the holder 14  
     continues to be same person after the change. 15  
     *Note—* 16  
         A change of holder itself must be a permitted dealing and must be 17  
         approved under part 6N before it can have any effect. See sections 80E 18  
         and 80G. 19
- ‘(2) The holder must give the chief executive notice of the change 20  
     as soon as practicable. 21
- ‘(3) The notice must be in the approved form.’. 22

**Clause 147 Amendment of s 75IM (Lodging report)** 23  
     Section 75IM(3), definition *relevant time*, paragraph (a), 24  
     ‘20’— 25  
     *omit, insert—* 26  
     ‘40’. 27

**Clause 148 Amendment of s 75IW (Obligation to lodge monitoring 28  
     reports)** 29  
     (1) Section 75IW(1), from ‘when’ to ‘tenure,’— 30

	<i>omit, insert—</i>	1
	‘, on or before the required day in each year.’	2
(2)	Section 75IW(2)(c), before subparagraph (i)—	3
	<i>omit, insert—</i>	4
	‘(c) be lodged at—’.	5
(3)	Section 75IW—	6
	<i>insert—</i>	7
‘(3)	In this section—	8
	<b><i>required day</i></b> , in each year, means—	9
	(a) generally—the day in the year that is the anniversary of	10
	the day on which the underground water impact report	11
	was accepted by the chief executive; or	12
	(b) if the chief executive by notice to the holder fixes	13
	another day—the fixed day.’.	14
<b>Clause 149</b>	<b>Amendment of s 75IX (Obligation to lodge review reports)</b>	15
(1)	Section 75IX(2)(c)—	16
	<i>omit, insert—</i>	17
	‘(c) be lodged at—	18
	(i) the office of the department for lodging review	19
	reports, as stated in a gazette notice by the chief	20
	executive; or	21
	(ii) if no office is gazetted under subparagraph (i)—the	22
	office of the chief executive.’.	23
(2)	Section 75IX(4)—	24
	<i>omit.</i>	25
<b>Clause 150</b>	<b>Amendment of s 75U (Obligation to decommission)</b>	26
	Section 75U(1), after ‘transferred to the tenure holder’—	27
	<i>insert—</i>	28



‘, unless the well or bore has, under division 3, been transferred to someone else’.

		1
		2
<b>Clause 151</b>	<b>Amendment of s 75Y (Notice about discovery and commercial viability)</b>	3
		4
	Section 75Y(6), definition <i>relevant period</i> —	5
	<i>omit, insert</i> —	6
	‘ <i>relevant period</i> means the period of 40 business days after the end of the period approved by the Minister for the carrying out of production testing under the 1923 Act petroleum tenure.’.	7
		8
		9
		10
<b>Clause 152</b>	<b>Omission of s 76F (Obligation to lodge annual reports)</b>	11
	Section 76F—	12
	<i>omit.</i>	13
<b>Clause 153</b>	<b>Amendment of s 78J (Security not affected by change in holder)</b>	14
		15
	(1) Section 78J(3)—	16
	<i>omit.</i>	17
	(2) Section 78J(4)—	18
	<i>renumber</i> as section 78J(3).	19
<b>Clause 154</b>	<b>Amendment of s 80C (Access to register)</b>	20
	(1) Section 80C(b)—	21
	<i>omit, insert</i> —	22
	‘(b) allow a person, on payment of the fee prescribed under a regulation, to search and take extracts from the register; and’.	23
		24
		25
	(2) Section 80C—	26
	<i>insert</i> —	27
	‘(2) This section is subject to section 80CA.’.	28

<b>Clause 155</b>	<b>Insertion of new ss 80CA and 80CB</b>	1
	After section 80C—	2
	<i>insert—</i>	3
	<b>‘80CA Arrangements with other departments for copies from petroleum register</b>	4
		5
	‘(1) Despite section 80C, the chief executive may enter into an arrangement with another department allowing it to carry out a search of, take extracts from or obtain a copy of, particulars recorded in the petroleum register, without payment of the fees prescribed under section 80C.	6 7 8 9 10
	‘(2) However, the chief executive may enter into an arrangement under subsection (1) only if the chief executive is reasonably satisfied the information obtained from the copy will not be—	11 12 13
	(a) used for a commercial purpose, including, for example, the marketing or sale of the information or other information; or	14 15 16
	(b) included in another database of information, in any form, other than with chief executive’s approval.	17 18
	<b>‘80CB Supply of statistical data from petroleum register</b>	19
	‘(1) The chief executive may enter into an agreement to supply statistical data derived from instruments or information kept in the petroleum register.	20 21 22
	‘(2) If the chief executive supplies statistical data under subsection (1)—	23 24
	(a) the fees and charges applying for the supply of the data are the fees and charges provided for in the agreement; and	25 26 27
	(b) without limiting paragraph (a), the agreement may also state—	28 29
	(i) how the fees and charges are to be calculated; and	30
	(ii) how payment of the fees and charges is to be made.	31
	‘(3) Without limiting subsection (1), an agreement for the supply of statistical data may limit the use to which the data supplied may be put.	32 33 34

- ‘(4) An agreement for the supply of statistical data must include— 1
- (a) a provision allowing the chief executive to exclude 2  
particulars from data supplied under the agreement, if 3  
the chief executive is satisfied, on reasonable grounds, 4  
that inclusion of the particulars may result in the 5  
particulars being inappropriately disclosed or used; and 6
- (b) a provision allowing the chief executive to prohibit 7  
disclosure, or to limit distribution or use, of data 8  
supplied under the agreement. 9
- ‘(5) An agreement under this section must not provide for the 10  
obtaining of information or anything else that may be 11  
obtained under section 80C. 12
- ‘(6) The chief executive must exclude petroleum authority 13  
particulars and personal information from data supplied under 14  
the agreement. 15
- ‘(7) Subsection (6) applies despite anything in the agreement. 16
- ‘(8) In this section— 17
- petroleum authority particulars* means particulars from any 18  
instrument or information kept by the chief executive that may 19  
allow a person to identify a 1923 Act petroleum tenure to 20  
which the instrument or information relates. 21
- personal information* means a particular from any instrument 22  
or information kept by the chief executive that may allow a 23  
person to identify a person to whom the instrument or 24  
information relates.’. 25

**Clause 156 Amendment of s 80E (What is a permitted dealing) 26**

- (1) Section 80E(1), ‘, as provided for under a coordination 27  
arrangement’— 28  
*omit.* 29
- (2) Section 80E(2), ‘part’— 30  
*omit, insert—* 31  
‘a divided part’. 32
- (3) Section 80E(2)— 33

	<i>insert—</i>	1
	‘Examples of a divided part of the area of a 1923 Act petroleum tenure—	2
	• a specific part of the surface of the area	3
	• a specific strata beneath the surface of the area’.	4
(4)	Section 80E(3), definition <i>transfer</i> , paragraph (c)—	5
	<i>omit.</i>	6
<b>Clause 157</b>	<b>Omission of s 80F (Dealings other than permitted dealings of no effect)</b>	7
	Section 80F—	8
	<i>omit.</i>	9
<b>Clause 158</b>	<b>Amendment of s 80I (Applying for approval)</b>	10
	Section 80I(2)(c)(ii)(A), after ‘interest’—	11
	<i>insert—</i>	12
	‘and each other person who holds a share of the tenure’.	13
<b>Clause 159</b>	<b>Replacement of s 142 (All statements to be verified)</b>	14
	Section 142—	15
	<i>omit, insert—</i>	16
<b>‘142</b>	<b>Ministerial directions about the giving of information</b>	17
‘(1)	The Minister may, in the way the Minister considers appropriate, publish directions about the giving of information, including the giving of additional information, to the Minister or the chief executive for the purposes of this Act.	18
‘(2)	A direction published under subsection (1) must state a period, that is not less than 20 business days, within which the information must be given.	19
‘(3)	Without limiting subsection (1), the directions may provide for how the information must be given if this Act does not already so provide.	20
		21
		22
		23
		24
		25
		26
		27
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		29

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<i>Examples of how information may be required to be given—</i>	1
• by an approved form or a notice	2
• by progressive reporting under a later work program or later development plan	3 4
• by a volumetric plan of survey	5
• by a geological survey	6
• by a statement, supporting an application for a petroleum tenure, about the financial resources or technical advice available to the applicant or the applicant’s previous compliance with a condition or provision of a petroleum tenure	7 8 9 10
‘(4) If—	11
(a) a person is required or permitted to give the Minister or the chief executive (the <i>official</i> ) information for a particular purpose relating to this Act; and	12 13 14
(b) this Act does not provide for how the information may or must be given to the official for the purpose; and	15 16
(c) the person gives the official the information in the way required or permitted under the directions;	17 18
the person is taken to have given the official the information for the purpose.	19 20
‘(5) Unless a direction states a particular office of the department where the information must be given, the information must be given at the office of the chief executive.	21 22 23
‘(6) The chief executive must—	24
(a) keep—	25
(i) a copy of each direction; and	26
(ii) a record (by whatever name called) of each direction, including the dates when each direction was published and superseded; and	27 28 29
(b) make each direction and the record available to the public in the way the chief executive considers appropriate.	30 31 32
‘(7) Without limiting subsection (6), the chief executive must ensure an up-to-date copy of each direction and the record is available to be read free of charge at each office of the department and on the department’s website.’	33 34 35 36

<b>Part 9</b>	<b>Amendment of Petroleum and Gas (Production and Safety) Act 2004</b>	1
		2
		3
<b>Clause 160</b>	<b>Act amended in pt 9 and schedule</b>	4
	This part and the schedule amend the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	5
		6
<b>Clause 161</b>	<b>Amendment of s 15 (When petroleum is <i>produced</i>)</b>	7
	(1) Section 15(2), ‘, section 318CM,’—	8
	<i>omit.</i>	9
	(2) Section 15(2), ‘incidental’—	10
	<i>omit.</i>	11
<b>Clause 162</b>	<b>Omission of ch 1, pt 3, div 3 (Other matters relating to interpretation)</b>	12
	Chapter 1, part 3, division 3—	13
	<i>omit.</i>	14
		15
<b>Clause 163</b>	<b>Amendment of s 32 (Exploration and testing)</b>	16
	Section 32(1)(d), ‘petroleum storage’—	17
	<i>omit, insert—</i>	18
	‘the storage of petroleum or a prescribed storage gas’.	19
<b>Clause 164</b>	<b>Amendment of s 59 (Restrictions on amending work program)</b>	20
	Section 59(2)(a)—	21
	<i>omit, insert—</i>	22
		23
	‘(a) if the work program is the initial work program for the authority—the Minister must be satisfied the work program needs to be amended for a reason beyond the holder’s control;’.	24
		25
		26
		27

<b>Clause 165</b>	<b>Amendment of s 60 (Applying for approval to amend)</b>	1
	Section 60—	2
	<i>insert</i> —	3
	‘(3) Subsection (2) does not apply if the Minister is satisfied the work program needs to be amended for a reason beyond the holder’s control.’.	4 5 6
<b>Clause 166</b>	<b>Amendment of s 79 (Obligation to lodge proposed later work program)</b>	7 8
	(1) Section 79(3) and (5)(a), ‘20’—	9
	<i>omit, insert</i> —	10
	‘40’.	11
	(2) Section 79(3), ‘60’—	12
	<i>omit, insert</i> —	13
	‘100’.	14
	(3) Section 79(6), definition <i>relevant fee</i> , paragraph (b)(ii) and (iii)—	15 16
	<i>omit, insert</i> —	17
	‘(ii) if it is not lodged under subsection (4)—an amount that is 10 times the prescribed fee.’.	18 19
<b>Clause 167</b>	<b>Amendment of s 159 (Obligation to lodge proposed later development plan)</b>	20 21
	(1) Section 159(3)(a), ‘80’—	22
	<i>omit, insert</i> —	23
	‘100’.	24
	(2) Section 159(5)(a), ‘20’—	25
	<i>omit, insert</i> —	26
	‘40’.	27
	(3) Section 159(6), definition <i>relevant fee</i> , paragraph (b)(ii) and (iii)—	28 29
	<i>omit, insert</i> —	30

	‘(ii) if it is not lodged under subsection (4)—an amount that is 10 times the prescribed fee.’.	1 2
<b>Clause 168</b>	<b>Amendment of s 234 (Arrangement to coordinate petroleum activities)</b>	3 4
	(1) Section 234(3A)(c)(i) and (ii)— <i>renumber</i> as section 234(3A)(c)(ii) and (iii).	5 6
	(2) Section 234(3A)(c)— <i>insert</i> —	7 8
	‘(i) the 1923 Act, section 44(d); or’.	9
<b>Clause 169</b>	<b>Amendment of s 256 (Lodging report)</b>	10
	Section 256(3), definition <i>relevant time</i> , paragraph (a), ‘20’— <i>omit, insert</i> —	11 12
	‘40’.	13
<b>Clause 170</b>	<b>Amendment of s 266 (Obligation to lodge monitoring reports)</b>	14 15
	(1) Section 266(1), from ‘when’ to ‘tenure,’— <i>omit, insert</i> —	16 17
	‘, on or before the required day in each year.’.	18
	(2) Section 266(2)(c), before subparagraph (i)— <i>omit, insert</i> —	19 20
	‘(c) be lodged at—’.	21
	(3) Section 266— <i>insert</i> —	22 23
	‘(3) In this section— <i>required day</i> , in a year, means—	24 25
	(a) generally—the day in the year that is the anniversary of the day on which the underground water impact report was accepted by the chief executive; or	26 27 28



- (b) if the chief executive by notice to the holder fixes another day—the fixed day.’ 1  
2

<b>Clause 171</b>	<b>Amendment of s 267 (Obligation to lodge review reports)</b>	3
	(1) Section 267(2)(c)—	4
	<i>omit, insert—</i>	5
	‘(c) be lodged at—	6
	(i) the office of the department for lodging review reports, as stated in a gazette notice by the chief executive; or	7 8 9
	(ii) if no office is gazetted under subparagraph (i)—the office of the chief executive.’	10 11
	(2) Section 267(4)—	12
	<i>omit.</i>	13
<b>Clause 172</b>	<b>Amendment of s 292 (Obligation to decommission)</b>	14
	Section 292(1), after ‘transferred to the tenure holder’—	15
	<i>insert—</i>	16
	‘, unless the petroleum well or bore has, under division 3, been transferred to someone else’.	17 18
<b>Clause 173</b>	<b>Amendment of ch 3, pt 2, div 1, sdiv 3, hdg (Provisions for splitting application in particular circumstances)</b>	19 20
	Chapter 3, part 2, division 1, subdivision 3, heading, ‘splitting application’—	21 22
	<i>omit, insert—</i>	23
	‘separate applications’.	24
<b>Clause 174</b>	<b>Amendment of s 307 (Requirement to split application if it relates to coal or oil shale mining tenements not held by the same person)</b>	25 26 27
	(1) Section 307, heading—	28
	<i>omit, insert—</i>	29

<b>'307</b>	<b>Requirement for separate applications relating to exploration tenement and mining lease not held by same person'.</b>	1 2 3
	(2) Section 307(1), 'the ATP-related application is'—	4
	<i>omit, insert—</i>	5
	'a person to whom this division applies wishes to make an application to which this division applies'.	6 7
	(3) Section 307(2)—	8
	<i>omit, insert—</i>	9
	'(2) The person must make separate ATP-related applications for the exploration tenement part and the mining lease part.'	10 11
	(4) Section 307(5)—	12
	<i>omit.</i>	13
<b>Clause 175</b>	<b>Replacement of s 308 (Power to split application if it includes other land)</b>	14 15
	Section 308—	16
	<i>omit, insert—</i>	17
<b>'308</b>	<b>Requirement for separate application for other land</b>	18
	'(1) This section applies if—	19
	(a) a person to whom this division applies wishes to make an application to which this division applies; and	20 21
	(b) the proposed application includes land (the <i>other part</i> ) not in the area of a coal or oil shale mining tenement.	22 23
	'(2) The person must lodge a separate ATP-related application for the other part.	24 25
	'(3) The separate application must be decided under chapter 2.'	26
<b>Clause 176</b>	<b>Omission of s 309 (Power to split application at applicant's request)</b>	27 28
	Section 309—	29
	<i>omit.</i>	30

<b>Clause 177</b>	<b>Amendment of s 335 (Requirement to split application if it relates to coal or oil shale mining tenements not held by the same person)</b>	1 2 3
	(1) Section 335, heading—	4
	<i>omit, insert—</i>	5
<b>'335</b>	<b>Requirement for separate applications relating to exploration tenement and mining lease not held by same person'.</b>	6 7 8
	(2) Section 335(1), 'the ATP-related application is'—	9
	<i>omit.</i>	10
	(3) Section 335(1)(a), before 'for land'	11
	<i>insert—</i>	12
	'a person to whom this division applies wishes to make an application to which this division applies'.	13 14
	(4) Section 335(2)—	15
	<i>omit, insert—</i>	16
	'(2) The person must make separate ATP-related applications for the exploration tenement part and the mining lease part.'	17 18
	(5) Section 335(5) and (6)—	19
	<i>omit.</i>	20
<b>Clause 178</b>	<b>Amendment of s 336 (Power to split application if it includes other land)</b>	21 22
	(1) Section 336, heading—	23
	<i>omit, insert—</i>	24
<b>'336</b>	<b>Requirement for separate application for other land'.</b>	25
	(2) Section 336(1), 'the petroleum lease application'—	26
	<i>omit, insert—</i>	27
	'a person to whom this division applies wishes to make an application to which this division applies and the proposed application'.	28 29 30
	(3) Section 336(2)—	31
	<i>omit, insert—</i>	32

	‘(2) The person must make a separate ATP-related application for the other part.’.	1 2
	(4) Section 336(4)— <i>omit.</i>	3 4
<b>Clause 179</b>	<b>Omission of s 337 (Power to split application at applicant’s request)</b> Section 337— <i>omit.</i>	5 6 7 8
<b>Clause 180</b>	<b>Replacement of s 346 (Power to split application if it includes other land)</b> Section 346— <i>omit, insert—</i>	9 10 11 12
<b>‘346</b>	<b>Requirement for separate application for other land</b>	13
	‘(1) This section applies if a person to whom this division applies wishes to make an application to which this division applies and the proposed application includes land (the <i>other part</i> ) not in the area of a coal or oil shale mining lease.	14 15 16 17
	‘(2) The person must make a separate petroleum lease application for the other part.	18 19
	‘(3) The separate application must be decided under chapter 2.’.	20
<b>Clause 181</b>	<b>Omission of s 347 (Power to split application at applicant’s request)</b> Section 347— <i>omit.</i>	21 22 23 24
<b>Clause 182</b>	<b>Replacement of s 354 (Power to split application if it includes other land)</b> Section 354— <i>omit, insert—</i>	25 26 27 28

	<b>'354 Requirement for separate application for other land</b>	1
	'(1) This section applies if a person to whom this division applies wishes to make an application to which this division applies and the proposed application includes land (the <i>other part</i> ) not in the area of a coal or oil shale mining lease.	2 3 4 5
	'(2) The person must make a separate petroleum lease application for the other part.	6 7
	'(3) The separate application must be decided under chapter 2.'	8
<b>Clause 183</b>	<b>Omission of s 355 (Power to split application at applicant's request)</b>	9 10
	Section 355—	11
	<i>omit.</i>	12
<b>Clause 184</b>	<b>Amendment of s 386 (Requirements for consultation with particular coal or oil shale mining tenement holders)</b>	13 14
	(1) Section 386(1)(a), before 'to explore'—	15
	<i>omit, insert—</i>	16
	'(a) a person (an <i>operator</i> ) proposes to be an operator of operating plant in the area of a petroleum tenure and the operating plant is used, or is proposed to be used,'.	17 18 19
	(2) Section 386(3), from 'the tenement holder'—	20
	<i>omit, insert—</i>	21
	'the petroleum tenure holder may coordinate the consultation between the operators and the tenement holder.'	22 23
<b>Clause 185</b>	<b>Amendment of s 389 (Exemption from additional content requirements)</b>	24 25
	(1) Section 389(1)(a)—	26
	<i>omit, insert—</i>	27
	'(a) all or part of a stated petroleum tenure; or'	28
	(2) Section 389—	29
	<i>insert—</i>	30

‘(2A) Also, any relevant petroleum tenure holder may apply for the exemption on behalf of the operator or proposed operator.’. 1  
2

<b>Clause 186</b>	<b>Amendment, relocation and renumbering of s 408 (Notice of proposed application to relevant local government)</b>	3 4
(1)	Section 408, heading, ‘proposed’— <i>omit.</i>	5 6
(2)	Section 408(2), ‘before’— <i>omit, insert—</i> ‘within 10 business days after’.	7 8 9
(3)	Section 408(3)— <i>renumber</i> as section 408(5).	10 11
(4)	Section 408— <i>insert—</i>	12 13
‘(3)	If subsection (2) is not complied with, the application lapses.	14
‘(4)	To remove any doubt, it is declared that the lapsing of the application under subsection (3) does not of itself prevent the former applicant making another pipeline licence application.’.	15 16 17 18
(5)	Section 408— <i>relocate</i> and <i>renumber</i> , in chapter 4, part 2, division 3, subdivision 1, as section 409A.	19 20 21
<b>Clause 187</b>	<b>Amendment of s 409 (Requirements for making application)</b>	22 23
(1)	Section 409(f)— <i>omit.</i>	24 25
(2)	Section 409(g) and (h)— <i>renumber</i> as section 409(f) and (g).	26 27
<b>Clause 188</b>	<b>Replacement of s 411 (Public notice requirement)</b>	28
	Section 411—	29

*omit, insert—*

**‘411 Public notice requirement**

‘(1) The Minister must not grant the applicant a pipeline licence unless—

(a) the notice complying with subsection (2)(a) has been published as required under subsection (2)(b); and

(b) the applicant has given the chief executive evidence of the publication; and

(c) the Minister has considered any submissions in response to the notice lodged within the period stated in the notice.

‘(2) For subsection (1)(a), the notice must—

(a) state each of the following—

(i) that a pipeline licence application has been made;

(ii) the applicant’s name;

(iii) the area proposed for the licence;

(iv) where further details about the application can be obtained;

(v) a period of at least 30 business days during which anyone may lodge submissions about the application;

(vi) where submissions must be lodged; and

(b) be published in a newspaper circulating throughout the State or, if the proposed licence is an area pipeline licence, generally in the area.

‘(3) The applicant must bear the costs of the publication.’.

**Clause 189 Amendment of s 419 (Obligation to construct pipeline)**

Section 419(1), ‘section 401,’ and footnote—

*omit, insert—*

‘sections 401 and 419A.’.

<b>Clause 190</b>	<b>Insertion of new s 419A</b>	1
	After section 419—	2
	<i>insert—</i>	3
	<b>‘419A Notice to chief inspector before construction starts</b>	4
	‘(1) A pipeline licence holder must give the chief inspector notice of the holder’s intention to start construction of the pipeline the subject of the licence at least 20 business days before the construction starts.	5 6 7 8
	Maximum penalty—100 penalty units.	9
	‘(2) However, if the licence is an area pipeline licence, subsection (1) only applies for each initial pipeline mentioned in the licence.’.	10 11 12
<b>Clause 191</b>	<b>Amendment of s 420 (Notice of completion of pipeline)</b>	13
	(1) Section 420(3)(c)—	14
	<i>renumber</i> as section 420(3)(d).	15
	(2) Section 420(3)—	16
	<i>insert—</i>	17
	‘(c) include a diagram of the pipeline, as constructed or completed, that gives enough information to allow the pipeline to be located, including, for example, its depth of burial; and’.	18 19 20 21
	(3) Section 420(4), definition <i>relevant period</i> , paragraph (b), ‘20’—	22 23
	<i>omit, insert—</i>	24
	‘40’.	25
<b>Clause 192</b>	<b>Amendment, relocation and renumbering of s 444 (Notice of proposed application to relevant local government)</b>	26 27
	(1) Section 444, heading, ‘proposed’—	28
	<i>omit.</i>	29
	(2) Section 444(1), ‘before’—	30



	<i>omit, insert—</i>	1
	‘within 10 business days after’	2
(3)	Section 444(2)—	3
	<i>renumber</i> as section 444(4).	4
(4)	Section 444—	5
	<i>insert—</i>	6
‘(2)	If subsection (1) is not complied with, the application lapses.	7
‘(3)	To remove any doubt, it is declared that the lapsing of the application under subsection (2) does not of itself prevent the former applicant making another petroleum facility licence application.’	8 9 10 11
(5)	Section 444—	12
	<i>relocate</i> and <i>renumber</i> , in chapter 4, part 3, division 2, subdivision 1, as section 445A.	13 14
<b>Clause 193</b>	<b>Amendment of s 445 (Requirements for making application)</b>	15 16
(1)	Section 445(f)—	17
	<i>omit.</i>	18
(2)	Section 445(g) and (h)—	19
	<i>renumber</i> as section 445(f) and (g).	20
<b>Clause 194</b>	<b>Amendment of s 458 (Process for taking land)</b>	21
(1)	Section 458(2)—	22
	<i>omit.</i>	23
(2)	Section 458(3) and (4)—	24
	<i>renumber</i> as section 458(2) and (3).	25
<b>Clause 195</b>	<b>Amendment of s 493 (Security not affected by change in authority holder)</b>	26 27
(1)	Section 493(3)—	28

	<i>omit.</i>	1
(2)	Section 493(4)—	2
	<i>renumber</i> as section 493(3).	3
<b>Clause 196</b>	<b>Amendment of s 539 (General provision about ownership while tenure or licence is in force for pipeline)</b>	4
	Section 539(3)(c)—	5
	<i>omit.</i>	6
		7
<b>Clause 197</b>	<b>Amendment of s 544 (Notice by petroleum tenure holder about discovery and commercial viability)</b>	8
	Section 544(6), definition <i>relevant period</i> —	9
	<i>omit, insert</i> —	10
	<i>‘relevant period</i> means—	11
	(a) if the petroleum tenure is an authority to prospect—	12
	(i) the period of 40 business days after the end of the period under section 73(2) for the carrying out of production testing; or	13
	(ii) if the Minister has, within 40 business days, agreed to a longer period—the longer period; or	14
	(b) if the petroleum tenure is a petroleum lease—	15
	(i) the period of 40 business days after the end of the period under section 152(2) for the carrying out of production testing; or	16
	(ii) if the Minister has, within 40 business days, agreed to a longer period—the longer period.’.	17
		18
		19
		20
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		23
		24
<b>Clause 198</b>	<b>Insertion of new s 546A</b>	25
	Chapter 5, part 7, division 1, subdivision 1—	26
	<i>insert</i> —	27

	<b>‘546A End of authority report for data acquisition authority or survey licence</b>	1 2
	‘(1) This section applies if a data acquisition authority or survey licence ends.	3 4
	‘(2) The person who held the authority or licence immediately before it ended must, within 6 months, lodge a report about the matters relating to the former authority or licence as prescribed under a regulation.	5 6 7 8
	Maximum penalty—150 penalty units.	9
	‘(3) The report must be lodged at—	10
	(a) the office of the department for lodging the report, as stated in a gazette notice by the chief executive; or	11 12
	(b) if no office is gazetted under paragraph (a)—the office of the chief executive.’	13 14
<b>Clause 199</b>	<b>Replacement of ch 5, pt 7, div 2, hdg (Reporting provisions for all petroleum authorities)</b>	15 16
	Chapter 5, part 7, division 2, heading—	17
	<i>omit, insert—</i>	18
	<b>‘Division 2           Other reporting provisions’.</b>	19
<b>Clause 200</b>	<b>Replacement of s 552 (Obligation to lodge annual reports)</b>	20 21
	Section 552—	22
	<i>omit, insert—</i>	23
	<b>‘552 Obligation to lodge annual reports for pipeline or petroleum facility licence</b>	24 25
	‘(1) This section applies for a pipeline licence or petroleum facility licence.	26 27
	‘(2) The holder of the licence must, within 2 months after each of its anniversary days, lodge a report for the 12 months that ended on the last anniversary day that includes the information about the licence as prescribed under a regulation.	28 29 30 31
	Maximum penalty—150 penalty units.	32

- ‘(3) If the licence ends, the person who was its holder immediately before it ended must, within 2 months, lodge a report that includes the information prescribed under subsection (2) for the period from its last anniversary day to when it ended.  
Maximum penalty—150 penalty units. 1  
2  
3  
4
- ‘(4) A report under this section must be lodged at— 5  
6  
(a) the office of the department for lodging the report, as stated in a gazette notice by the chief executive; or 7  
8  
(b) if no office is gazetted under paragraph (a)—the office of the chief executive. 9  
10
- ‘(5) In this section— 11  
12  
*anniversary day*, for a licence, means each day that is the anniversary of the day the licence took effect.’. 13

**Clause 201 Insertion of new s 558A** 14

Chapter 5, part 8, division 1— 15

*insert*— 16

**‘558A Notice of change of holder’s name** 17

- ‘(1) This section applies if there is a change to a petroleum authority holder’s name and the holder continues to be same person after the change. 18  
19  
20

*Note*— 21

A change of holder itself must be a permitted dealing and must be approved under part 10 before it can have any effect. See sections 568 and 570. 22  
23  
24

- ‘(2) The holder must give the chief executive notice of the change as soon as practicable. 25  
26

- ‘(3) The notice must be in the approved form.’. 27

**Clause 202 Amendment of s 566 (Access to register)** 28

- (1) Section 566(b)— 29

*omit, insert*— 30

‘(b) allow a person, on payment of the fee prescribed under a regulation, to search and take extracts from the register; and’.

(2) Section 566—

*insert—*

‘(2) This section is subject to section 566A.’.

**Clause 203 Insertion of new ss 566A and 566B**

After section 566—

*insert—*

**‘566A Arrangements with other departments for copies from petroleum register**

‘(1) Despite section 566, the chief executive may enter into an arrangement with another department allowing it to carry out a search of, take extracts from or obtain a copy of, particulars recorded in the petroleum register, without payment of the fees prescribed under section 566.

‘(2) However, the chief executive may enter into an arrangement under subsection (1) only if the chief executive is reasonably satisfied the information obtained from the copy will not be—

(a) used for a commercial purpose, including, for example, the marketing or sale of the information or other information; or

(b) included in another database of information, in any form, other than with chief executive’s approval.

**‘566B Supply of statistical data from petroleum register**

‘(1) The chief executive may enter into an agreement to supply statistical data derived from instruments or information kept in the petroleum register.

‘(2) If the chief executive supplies statistical data under subsection (1)—

(a) the fees and charges applying for the supply of the data are the fees and charges provided for in the agreement; and

- (b) without limiting paragraph (a), the agreement may also state—
- (i) how the fees and charges are to be calculated; and
- (ii) how payment of the fees and charges is to be made.
- ‘(3) Without limiting subsection (1), an agreement for the supply of statistical data may limit the use to which the data supplied may be put.
- ‘(4) An agreement for the supply of statistical data must include—
- (a) a provision allowing the chief executive to exclude particulars from data supplied under the agreement, if the chief executive is satisfied, on reasonable grounds, that inclusion of the particulars may result in the particulars being inappropriately disclosed or used; and
- (b) a provision allowing the chief executive to prohibit disclosure, or to limit distribution or use, of data supplied under the agreement.
- ‘(5) An agreement under this section must not provide for the obtaining of information or anything else that may be obtained under section 566.
- ‘(6) The chief executive must exclude petroleum authority particulars and personal information from data supplied under the agreement.
- ‘(7) Subsection (6) applies despite anything in the agreement.
- ‘(8) In this section—
- personal information*** means a particular from any instrument or information kept by the chief executive that may allow a person to identify a person to whom the instrument or information relates.
- petroleum authority particulars*** means particulars from any instrument or information kept by the chief executive that may allow a person to identify a petroleum authority to which the instrument or information relates.’.

- Clause 204 Amendment of s 568 (What is a *permitted dealing*)**
- (1) Section 568(1)(b)—

	<i>omit.</i>	1
(2)	Section 568(1)(e), ‘, as provided for under a coordination arrangement’—	2 3
	<i>omit.</i>	4
(3)	Section 568(1)(c) to (f)—	5
	<i>renumber</i> as section 568(1)(b) to (e).	6
(4)	Section 568(1)(c), as renumbered, ‘paragraph (c)’—	7
	<i>omit, insert</i> —	8
	‘paragraph (b)’.	9
(5)	Section 568(1)(e), as renumbered, ‘paragraph (e)’—	10
	<i>omit, insert</i> —	11
	‘paragraph (d)’.	12
(6)	Section 568(3), definition <i>transfer</i> , paragraph (c)—	13
	<i>omit.</i>	14
<b>Clause 205</b>	<b>Amendment of s 569 (Prohibited dealings)</b>	15
(1)	Section 569(1)(c), ‘part’—	16
	<i>omit, insert</i> —	17
	‘a divided part’.	18
(2)	Section 569(1)(c)—	19
	<i>insert</i> —	20
	‘ <i>Examples of a divided part of the area of a petroleum tenure</i> —	21
	• a specific part of the surface of the area	22
	• a specific strata beneath the surface of the area’.	23
<b>Clause 206</b>	<b>Amendment of s 570 (Conditions for permitted dealings)</b>	24
(1)	Section 570, heading, ‘Conditions’—	25
	<i>omit, insert</i> —	26
	‘ <b>Condition</b> ’.	27

	(2) Section 570(1)—	1
	<i>omit.</i>	2
<b>Clause 207</b>	<b>Amendment of s 572 (Applying for approval)</b>	3
	(1) Section 572(1), ‘, pipeline’—	4
	<i>omit.</i>	5
	(2) Section 572(2)(c)(ii)(A), after ‘interest’—	6
	<i>insert</i> —	7
	‘and each other person who holds a share of the authority’.	8
<b>Clause 208</b>	<b>Amendment of s 628 (Odour requirement)</b>	9
	Section 628(1)(b), from ‘analysis’ to ‘shows’—	10
	<i>omit, insert</i> —	11
	‘analysis has been carried out by an appropriately qualified person showing’.	12
		13
<b>Clause 209</b>	<b>Amendment of s 651 (Content requirements for annual measurement reports)</b>	14
	Section 651(e), after ‘scheme’—	15
	<i>insert</i> —	16
	‘or this Act’.	17
		18
<b>Clause 210</b>	<b>Amendment of s 670 (What is an <i>operating plant</i>)</b>	19
	(1) Section 670(2)—	20
	<i>omit, insert</i> —	21
	(2) An <i>operating plant</i> is any of the following—	22
	(a) a facility used to explore for, produce or process petroleum, including machinery used for maintaining or repairing a petroleum well;	23
		24
		25



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<i>Example of machinery used for maintaining or repairing a petroleum well—</i>	1
	2
machinery known in the petroleum and gas industry as a work over rig	3
	4
(b) a petroleum facility;	5
(c) a pipeline authorised under, or proposed to be authorised under, a petroleum authority;	6
	7
(d) a distribution system;	8
(e) a bulk fuel gas storage facility.’.	9
(2) Section 670(3), ‘an LPG storage facility’—	10
<i>omit, insert—</i>	11
‘a facility’.	12
(3) Section 670(5)(a)—	13
<i>omit, insert—</i>	14
‘(a) an LPG delivery network prescribed under a regulation;’.	15
	16
(4) Section 670(5)(b), ‘LPG’—	17
<i>omit, insert—</i>	18
‘fuel gas’.	19
(5) Section 670(5)(d), ‘geophysical or other’—	20
<i>omit, insert—</i>	21
‘seismic’.	22
(6) Section 670(6)—	23
<i>omit, insert—</i>	24
‘(6) Also, an <b><i>operating plant</i></b> includes—	25
(a) any part of the area of a petroleum tenure or 1923 Act petroleum tenure on which an operating plant under subsections (2) to (5) happens or is located as an authorised activity for the tenure; and	26
	27
	28
	29
(b) any part of the area of a mineral hydrocarbon mining lease—	30
	31

	(i)	on which an operating plant under subsections (2) to (5) happens or is located as an entitlement for the lease; and	1 2 3
	(ii)	to which section 671 does not apply.’	4
<b>Clause 211</b>	<b>Amendment of 671 (Limitation for facility or pipeline included in coal mining operation)</b>		5 6
		Section 671(2)(b)(i), from ‘as defined’ to ‘division 6’— <i>omit.</i>	7 8
<b>Clause 212</b>	<b>Amendment of s 673 (Who is the operator of an operating plant)</b>		9 10
		Section 673(3) to (5)— <i>omit, insert—</i>	11 12
	‘(3)	Otherwise, the operator is the person who has the role of being responsible for the management and safe operation of the plant.	13 14 15
	‘(4)	For subsection (3), the operator does not include a person who in relation to the plant is subject to the control of another person who has the role of being responsible for the management and safe operation of the plant.	16 17 18 19
		<i>Examples for subsections (3) and (4)—</i>	20
	1	The operator of a drilling rig is the operations manager or another senior officer of the drilling company that is operating the drilling rig and not the person employed as the driller or rig manager.	21 22 23
	2	The operator of a tanker delivery bulk LPG business is the manager of the delivery operation and not the person employed as the tanker driver.’	24 25 26
<b>Clause 213</b>	<b>Insertion of new s 673A</b>		27
		Chapter 9, part 2, division 2, before section 674— <i>insert—</i>	28 29

	<b>‘673A Operator must ensure chief inspector is given notice before a plant is commissioned or operated</b>	1 2
	‘(1) This section applies to a plant that is to be commissioned or operated for the first time in Queensland.	3 4
	‘(2) The operator of the plant must ensure the chief inspector is given written notice of the commissioning or operation of the plant within 20 business days before the commissioning or operation.	5 6 7 8
	Maximum penalty—100 penalty units.’.	9
<b>Clause 214</b>	<b>Amendment of s 674 (Requirement to have safety management plan)</b>	10 11
	(1) Section 674(1)(a)—	12
	<i>omit, insert—</i>	13
	‘(a) for each stage of the plant, make a safety management plan that complies with—	14 15
	(i) section 675; and	16
	(ii) if the plant is used to explore for, extract, produce or release petroleum within coal seams—section 388, subject to any exemption given under section 389; and’.	17 18 19 20
	(2) Section 674(2)—	21
	<i>insert—</i>	22
	‘(c) if the plant is used to explore for, extract, produce or release petroleum within coal seams—the plan complies with section 388, subject to any exemption given under section 389.’.	23 24 25 26
<b>Clause 215</b>	<b>Amendment of s 675 (Content requirements for safety management plans)</b>	27 28
	(1) Section 675(1)—	29
	<i>insert—</i>	30
	‘(ca) for an operating plant, other than a coal mining—CSG operating plant—the operator of the plant;’.	31 32

- (2) Section 675(1)(i), after ‘operating’— 1  
*insert—* 2  
‘and maintenance’. 3
- (3) Section 675(1)— 4  
*insert—* 5  
‘(ma) a process for managing change including a process for 6  
managing any changes to plant, operating procedures, 7  
organisational structure, personnel and the safety 8  
management plan;’. 9
- (4) Section 675(4), definition *NOHSC standard*, from 10  
‘[NOHSC:1014 (1996)]’ — 11  
*omit, insert—* 12  
‘[NOHSC:1014 (2002)]’ continued in effect under the 13  
*National Occupation Health and Safety Commission (Repeal,* 14  
*Consequential and Transitional Provisions) Act 2005 (Cwlth),* 15  
section 7(2).<sup>5</sup>. 16

- Clause 216 Insertion of new s 675A** 17  
After section 675— 18  
*insert—* 19
- ‘675A Generic safety management plans** 20
- ‘(1) For each stage of an operating plant, the operator of the plant 21  
is taken to have made a safety management plan that complies 22  
with section 675 if the operator adopts a generic SMP for that 23  
stage. 24
- ‘(2) However, subsection (1) does not apply for a stage of a plant 25  
if— 26
- (a) the chief inspector considers that, because of the 27  
complexity of the plant or the particular risks associated 28  
with the plant, the generic SMP does not sufficiently 29  
manage the level of risk at the plant for the stage; and 30

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5 A copy of the standard may be inspected, free of charge, during office hours on business days at the department’s office at 41 George Street, Brisbane.

(b) the chief inspector gives the operator a written notice  
stating that the safety management plan for the plant  
must comply with section 675 for the stage. 1  
2  
3

‘(3) In this section— 4  
*generic SMP*, for a stage of an operating plant (the *relevant plant*), means a plan in the form of a safety management plan 5  
that is prescribed under a regulation for the stage of an 6  
operating plant of the same type as the relevant plant.’. 7  
8

**Clause 217 Amendment of s 679 (Notice by chief inspector) 9**

(1) Section 679(1)— 10  
*omit, insert— 11*

‘(1) This section applies if the chief inspector reasonably believes 12  
a safety management plan for an operating plant, or an aspect 13  
of the plan— 14

(a) does not comply with section 675; or 15

(b) is insufficient to ensure an acceptable level of risk at the 16  
plant; or 17

(c) must be revised under section 678.’. 18

(2) Section 679(2), after ‘plant notice’— 19  
*insert— 20*

‘(a *validation notice*)’.  
21

(3) Section 679(3), before ‘notice’— 22  
*insert— 23*

‘validation’.  
24

(4) Section 679— 25  
*insert— 26*

‘(4) The operator must comply with the validation notice. 27  
Maximum penalty for subsection (4)—1500 penalty units.’. 28

<b>Clause 218</b>	<b>Amendment of s 687 (Who is the <i>executive safety manager</i> of an operating plant)</b>	1 2
	(1) Section 687(1), ‘for the safety management plan’— <i>omit.</i>	3 4
	(2) Section 687(2A)— <i>omit.</i>	5 6
	(3) Section 687(3)(b), from ‘in charge’— <i>omit, insert—</i> ‘responsible for the management and safe operation of the operating plant.’.	7 8 9 10
	(4) Section 687(4), definition <i>principal tenure holder</i> — <i>omit.</i>	11 12
 <b>Clause 219</b>	 <b>Replacement of s 688 (Executive safety manager’s general obligations)</b>	 13 14
	Section 688— <i>omit, insert—</i>	15 16
<b>‘688</b>	<b>Executive safety manager’s general obligations</b>	17
	‘The executive safety manager of an operating plant must—	18
	(a) appoint an appropriately qualified person as the operator of the plant; and	19 20
	(b) ensure the operator of the plant has, for each stage of the plant, a plan that is—	21 22
	(i) a safety management plan for the plant made under section 674(1)(a) after consultation with the employees at the plant; or	23 24 25
	(ii) a generic SMP adopted for the plant; and	26
	(c) approve the plan before it is put into effect; and	27
	(d) ensure the plan is implemented in a way that effectively manages the risks associated with the plant.’.	28 29
	Maximum penalty—2000 penalty units.’.	30

<b>Clause 220</b>	<b>Amendment of s 691 (Obligation to give information to coal or oil shale exploration tenement holder)</b>	1 2
	Section 691(2), ‘690(1)(f)’—	3
	<i>omit, insert—</i>	4
	‘690(1)(g)’.	5
<b>Clause 221</b>	<b>Amendment of s 698 (Owner must ensure operator is competent)</b>	6 7
	Section 698, ‘operator of’—	8
	<i>omit, insert—</i>	9
	‘person operating’.	10
<b>Clause 222</b>	<b>Amendment of s 705 (Application of s div 1)</b>	11
	Section 705(b), after ‘coal’—	12
	<i>insert—</i>	13
	‘or oil shale’.	14
<b>Clause 223</b>	<b>Amendment of s 706 (Requirement to report prescribed incident)</b>	15 16
	(1) Section 706(1), after ‘prescribe’—	17
	<i>insert—</i>	18
	‘for incidents happening at an operating plant or for incidents relating to a gas related device’.	19 20
	(2) Section 706(3)—	21
	<i>renumber</i> as section 706(5).	22
	(3) Section 706(2)—	23
	<i>omit, insert—</i>	24
	‘(2) If a prescribed incident happens at an operating plant, the operator of the plant must ensure that the incident is reported to the chief inspector in the prescribed way.	25 26 27
	Maximum penalty—50 penalty units.	28

- ‘(3) If a prescribed incident happens at a business other than at an operating plant and the prescribed incident relates to a gas related device, the person carrying on the business must ensure that the incident is reported to the chief inspector in the prescribed way. 1  
2  
3  
4  
5  
Maximum penalty—50 penalty units. 6
- ‘(4) For subsections (2) and (3), the incident must be reported— 7  
(a) within the period prescribed under a regulation; or 8  
(b) if no period is prescribed—immediately.’. 9
- (4) Section 706(5), as renumbered, after ‘subsection (2)’— 10  
*insert*— 11  
‘or (3)’. 12
- (5) Section 706— 13  
*insert*— 14
- ‘(6) In this section— 15  
***gas related device*** means a gas device, a gas system, a 16  
container of fuel gas or a device used to transfer fuel gas from 17  
one container to another.’. 18

- Clause 224 Amendment of s 724 (Types of gas device)** 19
- (1) Section 724(2)(a), after ‘power’— 20  
*insert*— 21  
‘using fuel gas’. 22
- (2) Section 724(2)(b), after ‘which’— 23  
*insert*— 24  
‘fuel’. 25
- (3) Section 724(3)(c)— 26  
*omit, insert*— 27  
‘(c) in a manufacturing process if the device uses fuel gas.’. 28
- (4) Section 724(3), example, third dot point— 29  
*omit*. 30



<b>Clause 225</b>	<b>Amendment of s 726 (Gas devices (type A))</b>	1
	Section 726—	2
	<i>insert—</i>	3
	‘(2) A person must not direct a worker at a place to carry out gas work in relation to a gas device (type A) unless the worker holds a gas work licence that allows the worker to carry out the work.	4
		5
		6
		7
	Maximum penalty—500 penalty units.	8
	‘(3) In this section—	9
	<i>worker</i> , at a place, means a person who is employed or contracted to carry out work at the place, whether or not the work is gas work.’.	10
		11
		12
<b>Clause 226</b>	<b>Amendment of s 727 (Gas devices (type B))</b>	13
	Section 727—	14
	<i>insert—</i>	15
	‘(2) A person does not commit an offence under subsection (1) if—	16
		17
	(a) the gas work is carried out at an operating plant under a safety management plan, other than a safety management plan that is a generic SMP for that stage of the plant, and the person carrying out the work has been assessed as competent to carry out the work under the plan; or	18
		19
		20
		21
		22
		23
	(b) the gas work is gas work relating to pipes used to supply gas to a gas device (type B), and the person carrying out the work holds a gas work licence that allows the person to carry out that work.’.	24
		25
		26
		27
<b>Clause 227</b>	<b>Amendment of s 733 (Certification of gas device or gas fitting)</b>	28
		29
	(1) Section 733(1)—	30
	<i>omit.</i>	31
	(2) Section 733(2)—	32

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	<i>renumber</i> as subsection (1).	1
	(3) Section 733(3)—	2
	<i>omit, insert</i> —	3
	‘(2) An approval under subsection (1) in relation to a gas device or gas fitting, that has been given by a person or body other than the chief inspector, ceases to have force only if the approval is cancelled or suspended by the approved person or body, with the written consent of the chief inspector.’	4 5 6 7 8
	(4) Section 733(4)—	9
	<i>renumber</i> as section 733(3).	10
<b>Clause 228</b>	<b>Amendment of s 780 (Power to give compliance direction)</b>	11 12
	(1) Section 780(3)(b)—	13
	<i>renumber</i> as section 780(3)(c).	14
	(2) Section 780(3)—	15
	<i>insert</i> —	16
	‘(b) that the person must notify the inspector or authorised officer when the person has complied with the compliance direction; or’.	17 18 19
<b>Clause 229</b>	<b>Amendment of s 783 (Power to give dangerous situation direction)</b>	20 21
	(1) Section 783(3)(b)—	22
	<i>renumber</i> as section 783(3)(c).	23
	(2) Section 783(3)—	24
	<i>insert</i> —	25
	‘(b) that the person must notify the inspector or authorised officer when the person has complied with the dangerous situation direction; or’.	26 27 28
<b>Clause 230</b>	<b>Amendment of s 794 (Immediate suspension)</b>	29
	Section 794(3)—	30

*Mining and Other Legislation Amendment Bill 2007**omit, insert—*

1

‘(3) The suspension period ends—

2

(a) if the chief inspector takes a noncompliance action in relation to the authority under section 798—when the noncompliance action is finally disposed of; or

3

4

5

(b) otherwise—within the period stated in the suspension notice that is not more than 40 business days.’

6

7

**Clause 231 Amendment of s 801 (Petroleum producer’s measurement obligations)**

8

9

(1) Section 801—

10

*insert—*

11

‘(2A) However, subsection (1)(a) does not apply to an amount of petroleum that is—

12

13

(a) unavoidably lost before it can be measured; or

14

(b) lost or used as part of normal operations for instrumentation, purging, blowdown or similar activities.’

15

16

17

(2) Section 801(2)(b)—

18

*omit, insert—*

19

‘(b) any of the petroleum that is used in the production of petroleum from the petroleum tenure, 1923 Act petroleum tenure or mining tenement on which the petroleum was produced or processed.’

20

21

22

23

**Clause 232 Amendment of s 815 (Fuel gas suppliers must not use other supplier’s containers)**

24

25

Section 815(3)—

26

*omit.*

27

**Clause 233 Insertion of new s 858A**

28

After section 858—

29

*insert—*

30

<b>‘858A Ministerial directions about the giving of information</b>	1
‘(1) The Minister may, in the way the Minister considers appropriate, publish directions about the giving of information, including the giving of additional information, to the Minister or the chief executive for the purposes of this Act.	2 3 4 5 6
‘(2) A direction published under subsection (1) must state a period, that is not less than 20 business days, within which the information must be given.	7 8 9
‘(3) Without limiting subsection (1), the directions may provide for how the information must be given if this Act does not already so provide.	10 11 12
<i>Examples of how information may be required to be given—</i>	13
• by an approved form or a notice	14
• by progressive reporting under a work program or development plan	15 16
• by a volumetric plan of survey	17
• by a geological survey	18
• by a statement, supporting an application for a petroleum authority, about the financial resources or technical advice available to the applicant or the applicant’s previous compliance with a condition or provision of a petroleum authority	19 20 21 22
‘(4) If—	23
(a) a person is required or permitted to give the Minister or the chief executive (the <i>official</i> ) information for a particular purpose relating to this Act; and	24 25 26
(b) this Act does not provide for how the information may or must be given to the official for the purpose; and	27 28
(c) the person gives the official the information in the way required or permitted under the directions;	29 30
the person is taken to have given the official the information for the purpose.	31 32
‘(5) Unless a direction states a particular office of the department where the information must be given, the information must be given at the office of the chief executive.	33 34 35
‘(6) The chief executive must—	36

	(a) keep—	1
	(i) a copy of each direction; and	2
	(ii) a record (by whatever name called) of each direction, including the dates when each direction was published and superseded; and	3 4 5
	(b) make each direction and the record available to the public in the way the chief executive considers appropriate.	6 7 8
	‘(7) Without limiting subsection (6), the chief executive must ensure an up-to-date copy of each direction and the record is available to be read free of charge at each office of the department and on the department’s website.’.	9 10 11 12
<b>Clause 234</b>	<b>Amendment of s 893 (Application of sdiv 1)</b>	13
	(1) Section 893(a), after ‘209,’—	14
	<i>insert—</i>	15
	‘219,’.	16
	(2) Section 893(b), ‘the 2004 Act start day’—	17
	<i>omit, insert—</i>	18
	‘31 December 2004’.	19
<b>Clause 235</b>	<b>Amendment of s 910 (Renewal application provisions apply for making and deciding grant application)</b>	20 21
	Section 910(1)(b)(i), ‘section 163’—	22
	<i>omit, insert—</i>	23
	‘sections 161(2) and (3) and 163’.	24
<b>Clause 236</b>	<b>Insertion of new ch 15, pt 6</b>	25
	Chapter 15—	26
	<i>insert—</i>	27

<b>'Part 6</b>	<b>Transitional provision for Mining and Other Legislation Amendment Act 2007</b>	1 2 3
<b>'939</b>	<b>Provision for amendment of s 893</b>	4
	'Chapter 15, part 3, division 5, subdivision 1 applies as if the amendment of section 893 under the <i>Mining and Other Legislation Amendment Act 2007</i> had commenced on 31 December 2004.'	5 6 7 8
<b>Clause 237</b>	<b>Amendment of sch 2 (Dictionary)</b>	9
(1)	Schedule 2, definitions <i>2004 Act start day</i> and <i>gas system</i> — <i>omit.</i>	10 11
(2)	Schedule 2— <i>insert</i> —	12 13
	<b>'bulk fuel gas storage facility</b> means a site where fuel gas is stored in a tank and includes all activities relating to the storage and use of the fuel gas at the site, but does not include a site if—	14 15 16 17
(a)	the primary use of the fuel gas at the site is—	18
	(i) the sale of fuel gas to a consumer at the site; or	19
	(ii) the use of automotive LPG at the site; or	20
(b)	the volume of the tank storing the fuel gas is less than an amount prescribed under a regulation; or	21 22
(c)	the tank is connected to a gas device and the consumption of fuel gas by the gas device is less than an amount prescribed under a regulation.	23 24 25
	<b>distribution system</b> means a system of distribution pipelines and meters and other equipment used for, or in connection with, the supply of LPG or processed natural gas to more than 1 consumer within a fuel gas market, but does not include—	26 27 28 29
(a)	pipelines connected from the exit point of a meter installed for a consumer's premises; or	30 31

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- (b) appliances or equipment connected to pipelines mentioned in paragraph (a). 1  
2
- gas device** means a gas device (type A) or a gas device (type B). 3  
4
- gas system** means a system that consists of installed gas devices, containers, fittings, flues or pipes, in any combination. 5  
6  
7
- Examples of a gas system—* 8
- 1 a system of interconnected domestic gas devices installed in a dwelling house 9  
10
  - 2 a gas device, and associated pipe work, added to an existing system 11
  - 3 a gas-fired industrial boiler installation 12
- generic SMP** see section 675A. 13
- LPG delivery network—** 14
- (a) means the supply of LPG in fuel gas containers that are owned or provided (other than by being sold) by a person (a **product supplier**) to a consumer or another person in the business of distributing LPG; and 15  
16  
17  
18
  - (b) includes any part of the supply that is carried out by an agent of the product supplier. 19  
20
- Examples of an LPG delivery network—* 21
- the delivery of cylinders of LPG to a consumer or to a distributor 22  
23
  - the bulk delivery of LPG to a container 24
- mineral hydrocarbon mining lease** see the *Mineral Resources Act 1989*, section 739. 25  
26
- tank** means a pressure vessel to which AS 1210 ‘Pressure vessels’ (1997) applies.’. 27  
28
- (3) Schedule 2, definition *owner*, paragraph 2(i) and (ii)— 29  
*renumber* as paragraph 2(a) and (b). 30
  - (4) Schedule 2, definition *petroleum producer—* 31  
*insert—* 32  
‘(d) for petroleum that is coal seam gas mined under a mineral hydrocarbon mining lease—the coal or oil shale 33  
34

mining lease holder who mines it or for whom it is  
mined.’. 1  
2

**Part 10** **Amendment of Workplace Health and Safety Act 1995** 3  
4

**Clause 238 Act amended in pt 10** 5

This part amends the *Workplace Health and Safety Act 1995*. 6

**Clause 239 Amendment of s 3 (Application of Act)** 7

Section 3(1)(c) and (d)— 8

*omit, insert—* 9

‘(c) operating plant, within the meaning of the *Petroleum and Gas (Production and Safety) Act 2004*, on land the  
subject of— 10  
11  
12

(i) a 1923 Act petroleum tenure under the *Petroleum Act 1923*; or 13  
14

(ii) a petroleum authority under the *Petroleum and Gas (Production and Safety) Act 2004*; or 15  
16

(d) a facility or plant used for geothermal exploration,  
within the meaning of the *Geothermal Exploration Act 2004*, section 132A(1), if the facility or plant is used for  
drilling or drilling related purposes.’. 17  
18  
19  
20

**Clause 240 Insertion of new s 3B** 21

After section 3A— 22

*insert—* 23

**‘3B Relationship with other Acts relating to design or manufacture of operating plant** 24  
25

‘(1) This section applies if— 26



- (a) this Act, in the absence of this section, would have application to a matter, relating to the design or construction of proposed operating plant, that impacts on the integrity or safe use of the plant; and
- (b) a relevant Act also has application to the matter.
- ‘(2) This Act does not have application to the matter to the extent that the relevant Act has application to the matter.
- ‘(3) In this section—
- operating plant*, for application of a relevant Act to a matter, means—
- (a) for the *Petroleum and Gas (Production and Safety) Act 2004*—operating plant within the meaning of that Act; or
- (b) for the *Geothermal Exploration Act 2004*—a facility or plant used for geothermal exploration, within the meaning of section 132A(1) of that Act.
- relevant Act* means—
- (a) the *Geothermal Exploration Act 2004*; or
- (b) the *Petroleum and Gas (Production and Safety) Act 2004*.’.

## **Part 11**                      **Minor amendments**                      21

- Clause 241**    **Acts amended in schedule**                      22
- The schedule amends the Acts mentioned in it.                      23

<b>Schedule</b>	<b>Minor amendments</b>	1
	section 241	2
	<b>Coal Mining Safety and Health Act 1999</b>	3
<b>1</b>	<b>Sections 131, ‘or inspection’—</b>	4
	<i>omit, insert—</i>	5
	‘, inspection officer or authorised’.	6
<b>2</b>	<b>Sections 133(1), (2) and (4), 140 hdg, 144, 147(1) and (2), 148(1) and (2), 149, 152(1) to (4) and 153(2)(a), ‘inspector or inspection’—</b>	7
	<i>omit.</i>	8
		9
		10
<b>3</b>	<b>Section 146(1), 155(3), 157, 158(1) and 159(1) and (2), ‘inspector’—</b>	11
	<i>omit, insert—</i>	12
	‘officer’.	13
		14
	<b>Mining and Quarrying Safety and Health Act 1999</b>	15
<b>1</b>	<b>Section 128, ‘or inspection’—</b>	16
	<i>omit, insert—</i>	17
	‘, inspection officer or authorised’.	18
<b>2</b>	<b>Sections 130(1), (2) and (4), 137 hdg, 140, 141, 144(1) and (2), 145(1) and (2), 146, 149(1) to (4) and 150(2)(a), ‘inspector or inspection’—</b>	19
	<i>omit.</i>	20
		21
		22

## Schedule (continued)

<b>3</b>	<b>Section 143(1), 152(3), 154, 155(1) and 156(1) and (2), ‘inspector’—</b>	1 2
	<i>omit, insert—</i>	3
	‘officer’.	4
<b>Petroleum Act 1923</b>		5
<b>1</b>	<b>Section 2, definition <i>2004 Act start day</i>—</b>	6
	<i>omit.</i>	7
<b>2</b>	<b>Section 2, definitions <i>development plan</i>, paragraph 1, and <i>original notional sub-blocks</i>, paragraph 1, section 45(1A), part 6A, division 2, subdivision 1 heading, note, section 74N(1), part 10, division 1, subdivision 1 heading, note, and sections 151(1) and (5), 153, 154(1), 155(1), 156, 157(1), 159(1) and (2), 160(2) and (3), 161, 162(1), (2), (4) and (5), 163(1), (2) and (4), 164, 165A(2), 165B, 168, 169, 170(1), 171(1), 173(2), 176(1) and 178(1), ‘the 2004 Act start day’—</b>	8 9 10 11 12 13 14 15 16
	<i>omit, insert—</i>	17
	‘31 December 2004’.	18
<b>3</b>	<b>Part 6, division 3, heading, ‘provision’—</b>	19
	<i>omit, insert—</i>	20
	‘provisions’.	21
<b>4</b>	<b>Section 75Q(2)(a)(ii) and (b), ‘owner’—</b>	22
	<i>omit, insert—</i>	23
	‘landowner’	24

## Schedule (continued)

<b>5</b>	<b>Part 10, heading and part 10, division 2, heading, ‘2004 Act start day’—</b>	1 2
	<i>omit, insert—</i>	3
	‘31 December 2004’.	4
<b>Petroleum and Gas (Production and Safety) Act 2004</b>		5
<b>1</b>	<b>Section 288, heading, ‘water supply bore or water observation bore’—</b>	6 7
	<i>omit, insert—</i>	8
	‘water observation bore or water supply bore’.	9
<b>2</b>	<b>Section 288(3)(b), ‘owner’—</b>	10
	<i>omit, insert—</i>	11
	‘landowner’.	12
<b>3</b>	<b>Sections 591A(3), 873(1), 875, 876, 878(2) and (3), 884(1) and (2), 885, 886, 887(1), 888(1)(a), 890, 891(1), 894, 896(1), (3) and (4), 897(2) and (3), 899, 901, 902, 905, 908(3), 912(2), 914, 915(1) to (3), 916(1) and (2), 917, 918, 919(1), (2) and (4), 920 (1) and (2), 921(2) and (3), 922(1)(a), (2), (4) and (5), 923(1), (2) and (5), 924(1), (2) and (4), 925, 926, 927(1) and (2), 928(1), 930(a), 931(2)(a), 933, 934A(2), 934B, 935A and schedule 2, definition <i>original notional sub-blocks</i>, paragraph 1, ‘the 2004 Act start day’—</b>	13 14 15 16 17 18 19 20 21
	<i>omit, insert—</i>	22
	‘31 December 2004’.	23
<b>4</b>	<b>Section 795, ‘This section’—</b>	24
	<i>omit, insert—</i>	25
	‘This subdivision’.	26

## Schedule (continued)

<b>5</b>	<b>Section 897(2), ‘after 2004 Act start day’—</b>	1
	<i>omit, insert—</i>	2
	‘after 31 December 2004’.	3
<b>6</b>	<b>Chapter 15, part 3, division 6, subdivision 2, heading, ‘2004 Act start day’—</b>	4
	<i>omit, insert—</i>	5
	‘31 December 2004’.	6
<b>7</b>	<b>Amendment of s 934 (Substituted restriction for petroleum leases relating to mineral hydrocarbon mining leases)</b>	8
	Section 934(2), definition <i>relevant mineral hydrocarbon mining lease</i> , ‘as defined’ to ‘section 739,’—	9
	<i>omit.</i>	10
		11
		12
		13